

Town of Victory

Zoning Law & Subdivision Regulations

Adopted: 13 May 2019

V.7

Table of Contents

<u>Article</u>	<u>Section</u>	<u>Title</u>	<u>Page</u>
I		<u>General Provisions</u>	4
	1.01	Short Title	4
	1.02	Purpose	4
	1.03	Procedures	4
	1.04	Definitions	4
II		<u>Administration</u>	15
	2.01	Code Enforcement Officer, Duties and Powers	15
	2.02	Zoning Permits	16
	2.03	Special Provisions for Issuance of Zoning Permits in Areas Designated as Flood Hazard Areas by the National Flood Insurance Program (NFIP)	16
	2.04	Certification of Occupancy	17
	2.05	Application Requirements for Zoning Permits	17
	2.06	Issuance of Zoning Permits	18
	2.07	Fees	18
	2.08	Violations	18
	2.09	Fines and Penalties	18
III		<u>Planning Board & Zoning Board of Appeals</u>	20
	3.01	Planning Board	20
	3.02	Zoning Board of Appeals	21
IV		<u>Establishment of Districts</u>	25
	4.01	Purpose	25
	4.02	Zoning Map	25
	4.03	Interpretation of Boundaries	25
V		<u>Dimensional Requirements</u>	27
	5.01	District Regulations	27
	5.02	Front and Side Yards of Corner Lots	27
	5.03	Exceptions of Minimum Lot Sizes and Lot Widths	27
	5.04	Exceptions of Building Height	27
	5.05	Traffic Visibility across Corners (Clear Sight Triangle)	28
	5.06	Essential Services	28
VI		<u>Use Regulations</u>	29
	6.01	Applicability of Regulations	29

TOWN OF VICTORY ZONING LAW

6.02	Uses by Right, Special Conditions, Special Use Permits, and Uses Not Permitted	29
6.03	Uses Subject to Other Regulations	29
6.04	Provisions Applicable to Commercial Uses	29
6.05	Prohibited Uses	29
6.06	Usage Table	30
VII	<u>Special Conditions and Supplementary Regulations</u>	35
7.01	Purpose and Intent	35
7.02	Applicability	35
7.03	Special Conditions for Specific Uses	35
VIII	<u>Special Use Permits</u>	41
8.01	Purpose and Intent	41
8.02	Applicability	41
8.03	Procedures for Obtaining Special Use Permits	41
8.04	General Requirements and Standards Applicable to all Special Use Permits	41
8.05	Requirements for Defined Special Uses	43
IX	<u>Site Plan Review</u>	62
9.01	Purpose and Intent	62
9.02	Applicability	62
9.03	Procedures for Site Plan Review and Approval	62
X	<u>Off-Street Parking</u>	67
10.01	Requirements for Off-Street Parking and Loading Spaces	67
XI	<u>Signage</u>	69
11.01	General Sign Regulations	69
11.02	Sign Regulations in the Agricultural/Residential District	69
11.03	Sign Regulations in Hamlet and Highway Districts	70
XII	<u>Landscaping, Screening, and Buffering</u>	71
12.01	Purpose and Intent	71
12.02	General Requirements	71
12.03	Landscaping Plan	71
XIII	<u>Nonconformities</u>	73
13.01	Continuation	73
13.02	Alteration or Extension	73
13.03	Restoration	73
13.04	Abandonment	74

TOWN OF VICTORY ZONING LAW

13.05	Changes	74
13.06	Displacement	74
13.07	District Changes	74
13.08	Zoning Permit Required	75
XIV	<u>Amendments of Land Use Regulations</u>	76
14.01	Amendments	76
14.02	Zoning Referral to Cayuga County Planning Board	77
14.03	Severability	77
14.04	Repealed	77
XV	<u>Subdivision Regulations</u>	78
15.01	Purpose and Intent	78
15.02	Definitions	78
15.03	General Procedures	78
15.04	Requisites for Approval	83
15.05	Plat Requirements	85
15.06	Performance Bond or Security	87
15.07	Required Improvements	89
15.08	Cluster Development	98
15.09	Rezoning	99
	<u>Appendices</u>	
Appendix A:	Flowchart for Acquiring a Zoning Permit	101
Appendix B:	Zoning Violation Complaint Form	102
Appendix C:	Application for an Area Variance	103
Appendix D:	Application for a Use Variance	112
Appendix E:	Town of Victory Zoning Map	121
Appendix F:	Special Use Permit Application	122
Appendix G:	Town of Victory Nonconformities Map	124
Appendix H:	Subdivision Application Form	125
Appendix I:	Flowchart for Subdivision Procedures	127
Appendix J:	Steep Slopes Map	128

ARTICLE I: GENERAL PROVISIONS

Section 1.01 – Short Title

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

Section 1.02 – Purpose

Such law is made to:

- Promote the health, safety, and general welfare of the community;
- Lessen congestion in the streets;
- Help to secure safety from fire, flood and other dangers;
- Provide adequate light and air;
- Prevent overcrowding of land; and
- Avoid concentration of population.

And, under and pursuant to Article 16 of the Town Law of the State of New York, to establish regulations concerning:

- The size of buildings and other structures;
- The percentage of lot that may be occupied;
- The size of yards;
- The density of populations; and
- The use of buildings, structures, and land for trade, industry, residence, or other purposes.

Section 1.03 – Procedures

The procedures for complying with the terms of these Regulations are enumerated in Article II: Administration. Generally, the procedure for all construction, alterations, and usage change of buildings in the Town require:

- Issuance of a permit by the Code Enforcement Officer in accordance with the provisions in Article II.
- Issuance of a Certificate of Occupancy/Compliance by the Code Enforcement Officer in accordance with the provisions of Article II herein.

Refer to flow chart in Appendix A for procedure.

Section 1.04 – Definitions

A. General. Unless a different intent clearly appears, the following words and phrases shall have for the purpose of these Regulations the following meanings; and for the purposes of these Regulations, words and terms used herein shall be interpreted as follows:

- Words used in the present tense include the future.
- The singular includes the plural.
- The word "person" includes a corporation, partnership, and association as well as the individual.
- The word "lot" includes the words "plot" or "parcel."
- The word "building" includes the word "structure."
- The term "shall" is mandatory.
- The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- Any word or term not defined herein shall be used with a meaning of standard usage.

Accessory: (a) **Accessory Building.** (See "Building")

(b) **Accessory Use.** (See "Use")

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Area: (a) **Lot Area:** The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

(b) **Building Area:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

(c) **Floor Area:** The sum of the areas of several floors of a building structure, including areas used for human occupancy, as measured from the exterior faces of the walls. Floor area does not include cellars, unclosed porches, and attics not used for human occupancy.

Building: A structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

TOWN OF VICTORY ZONING LAW

(a) Accessory: A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

(b) Principal: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Building Coverage: That percentage of the plot or lot area covered by the building area.

Building Height: A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roof, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Coverage: That percentage of the plot or lot area covered by the building area.

Campground: As used in this standard, any parcel or tract of land under the control of any person, organization, or governmental entity wherein temporary living sites are established for two or more camping units or recreational vehicles.

Condominium: A building or group of buildings, in which single-dwelling residential units or commercial offices are owned individually while the structure, common areas, and facilities are owned jointly by all owners on a proportional basis.

Dormitory: A building or a part thereof used as group quarters for unrelated individuals sharing common cooking, social, and hygienic functions. The definition of dormitory includes fraternity houses, sorority houses, and group homes.

Dwelling: A building or a portion thereof, designed, used, or intended to be used for human habitation whether inhabited or not.

(a) One Family Detached Dwelling: A dwelling having only one (1) dwelling unit from ground to roof, independent access, and open space on all sides.

(b) Two Family Dwelling: A building designed for, or occupied exclusively by, two (2) families living independently of each other.

(c) Multiple-Family Dwelling: A building used, designed, or occupied as a residence for three (3) or more families living independently of each other.

Easement: A certain right to use the real property of another without possessing it. Common types of easements include drainage, utility, conservation, slope,

scenic, sewer, and water lines. Terms of easements may vary and shall be set forth by legal documents.

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged; more specifically defined as the following:

(a) **Level 1** is considered slow charging, typically requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet. The installation of a Level 1 charging station does not require a building permit.

(b) **Level 2** is considered medium charging, typically requiring a 40 amp to 100 amp breaker on a 240-volt circuit. The installation of a Level 2 charging station requires a building permit.

(c) **Level 3**, or DC Fast Charge, is considered rapid charging, typically requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. DC Fast Charge uses an off-board charger to provide the AC to DC conversion, delivering AC directly to the car battery. The installation of a Level 3 charging station requires a building permit.

Electric Vehicle Charging Station, Public Use: An electric vehicle charging station that is publicly owned and publicly available (e.g., on-street parking and village-owned parking facilities) or privately owned and publicly available (e.g., gasoline station parking, non-reserved parking in multi-family parking lots).

Electric Vehicle Charging Station, Restricted Use: An electric vehicle charging station that is privately owned and restricted access (e.g., single-family home, designated employee parking) or publicly owned and restricted access (e.g., fleet parking with no access to the general public).

Excavation: The removal of sand, gravel, rock, or stone, topsoil, soil or earth, turf, and other similar substances from their natural location in or on the ground for any purposes, with the following exceptions:

(a) The construction of:

(i) A building, structure, or part thereof for which a Zoning/Building Permit has been issued.

(ii) A farm pond, wildlife marsh, or other conservation practice.

TOWN OF VICTORY ZONING LAW

(iii) A wall, driveway, sidewalk, or public utilities.

(b) All grading of lands pursuant to plans approved by the Town Planning Board, Zoning Board of Appeals, or Town Board for the site preparation, public and private site development, and site improvement shall also be excluded from this definition.

Family: One (1) or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

Hamlet: An unincorporated area providing the same basic services similar to a small village where commercial and residential activity takes place.

Junk Accessory Vehicle: Any abandoned or discarded truck camper, camping trailer, camper, travel trailer, pop-up trailer, tent trailer or overnight trailer which is stored outside.

Junk Appliance: Any household appliance, including but not limited to, a stove, washing machine, dryer, dishwasher, freezer refrigerator, air conditioner, water heater, or television, which is stored outside of any residence or structure.

Junk Furniture: Abandoned, discarded, or irreparably damaged furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chests of drawers.

Junk Manufactured Home: Any abandoned or discarded structure, or part thereof, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, if erected on a site, is three hundred twenty 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. To qualify as a junk manufactured home, the dwelling must meet two out of three of the following conditions for six months or more: the electrical service is disconnected or terminated; it is abandoned as a dwelling unit; and it is no longer habitable for residential occupancy.

Junk Motor Vehicle: Any motor vehicle or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicle, which is either unlicensed or unregistered; abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or not in condition for legal use upon the public highways. The fact that a motor vehicle does not display a current motor vehicle registration or license plate shall be presumptive

TOWN OF VICTORY ZONING LAW

evidence that such motor vehicle is not in condition for legal use upon public roadways. With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public roadways, the fact that such motor vehicle is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

Junk Storage Area: The areas of any real property used or intended to be used for the placement, storage, or deposit of one or more of the following: junk appliances, junk furniture, junk mobile homes, and junk motor vehicles.

Junkyard: Any place of outdoor storage or deposit of any of the following, whether in connection with another business or not: two (2) or more junk motor vehicles or junk accessory vehicles; one (1) or more junk mobile homes; five (5) or more junk appliances; five (5) or more pieces of junk furniture; or any combination of the above that totals five (5) or more items.

Lot: A parcel of land used or set aside and available for use as the site of one (1) or more buildings and buildings accessory thereto or for any other purpose, in one (1) ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said land abuts, even if ownership to such way is with the owner of the lot.

(b) Corner Lot: A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

(c) Flag Lot: A large parcel not meeting minimum road frontage requirements and shaped like a “flag” with its widest area set back some distance from a public improved road, and having a narrow strip of land (the “flagpole”) that provides the property with access to the public road.

(d) Through Lot: An interior lot having frontage on two (2) parallel or approximately parallel streets.

(e) Lot Depth: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

(f) Lot Width: The width of a lot measured at the minimum setback.

Manufactured Home / Mobile Home: A single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, and designed to be a permanent residence.

TOWN OF VICTORY ZONING LAW

Manufactured Home Community: A parcel of land which is improved for the placement of two (2) or more manufactured homes for non-transient use, whether or not for compensation.

Mining: The use of any land or other premises for the extraction of ores or stone from the earth, whether by subterranean or surface digging or other process.

Motor Vehicle: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways, including but not limited to automobile, bus, trailer, truck, tractor, motor home, motorcycle, and mini-bike. This term shall also include an all-terrain vehicle and snowmobile.

Nonconforming Lot and/or Structure: A lot or structure that does not conform to the dimensional requirements prescribed by these Regulations for the district in which it is located, or to the regulations for signs, off-street parking and loading, or accessory buildings, but which lot or structure was in existence at the effective date of these Regulations and was lawful at the time it was established. (See Article XIII)

Nonconforming Use: A use of a building or lot that does not conform to the use regulations prescribed by these Regulations for the district in which it is located but which was in existence at the effective date of this Ordinance and was lawful at the time it was established. (See Article VI and Article XIII)

Nonconforming Use, Abandonment: A use that has been discontinued for one year.

Quarry Operation: The use of any land or other premises for the extraction of, cutting of, crushing, screening, washing or processing of stone or stone like material

Recreational Vehicle: A vehicular camping unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck camper.

Right-of-Way: Land set aside for the use as a street, alley, or for access to adjoining properties.

Roomer, Boarder, or Lodger: A person who is occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes, and paying compensation

TOWN OF VICTORY ZONING LAW

for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement for less than a week at a time shall be classified for the purposes of this Law not as a roomer, boarder, or lodger but as a guest of a commercial lodging establishment (i.e. motel, hotel, tourist home).

Rural Home Occupation: Any use customarily conducted entirely within a dwelling; or in an accessory structure to a dwelling; which use is clearly incidental to and secondary to the use of the dwelling for residential purposes; and which does not change the character of the surrounding neighborhood. No rural home occupation shall produce offensive noise, vibration, smoke, dust, odors, heat, glare or other nuisance.

Sand and Gravel Operation: The use of any land or other premises for the excavation of or removal of sand or gravel there from or for the crushing, screening, washing, or processing of sand or gravel in any manner therein.

Sewer: **(a) Public Sewer:** Any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as an "off-lot" sewer.

(b) Private Sewer: A private, or "on-lot," septic tank disposal system generally providing for disposal of effluent for only one (1) building, or a group of buildings on a single lot.

Sign: Any freestanding device, or device attached, painted, or represented directly or indirectly on a structure or other outdoor surface, that shall display or include any letter, work, insignia, flag, or representation used as, or which is in nature of, an advertisement announcement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public. (See Article XI)

(a) On Premises Sign: A sign which directs attention to a person, product, business, industry, profession, home occupation, or activity conducted on the same lot. (See Article XI)

(b) Off Premises Sign: A sign which directs attention to a person, product, business, industry, profession, home occupation, or activity not conducted on the same lot. Off Premises Signs that remunerate the lot owner shall be considered a commercial activity and require a Special Use Permit. (See Article XIII)

Site Plan: A plan that shows a proposed development and proposed use of a parcel of land, consisting of a map and all necessary supporting materials.

Small Shed: A one story detached structure associated with one or two-family dwellings or multiple single-family dwellings (e.g. townhouses) which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet. Small sheds do not require a Zoning Permit, but must conform to the requirements of these Regulations.

Solar Power Facility:

(a) Array: Any number of electrically connected photovoltaic modules providing a single electrical output.

(b) Collective Solar: Solar installations owned collectively through subdivision homeowner associations, “adopt-a-solar-panel” programs, or other similar arrangements.

(c) Free-Standing / Ground-Mounted: A solar energy system that is installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems for purposes of these regulations.

(d) Large-Scale System: Solar energy systems with a total surface area for all solar collectors on the lot greater than 4,000 square feet.

(e) Qualified Installer: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

(f) Rooftop or Building-Mounted: A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

(g) Small-Scale System: Solar energy systems with a total surface area for all solar collectors on the lot not to exceed 4,000 square feet.

Special Use Permit: An authorization of a particular land use which is permitted in this Zoning Ordinance, or a local law, subject to requirements imposed by such ordinance or law to assure that the proposed use is in harmony with such ordinance or law and will not adversely affect the neighborhood if such requirements are met.

State Environmental Quality Review (SEQR): In New York State, most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment as prescribed by 6 NYCRR Part 617 State Environmental Quality Review (SEQR). SEQR requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting.

Structure: A combination of materials assembled, constructed, or erected at a fixed location including a building, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: The division of any parcel of land into any number of lots, blocks, or sites with or without streets, for the purpose of sale, transfer of ownership, or development. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously filed in the office of the County Clerk. The term "subdivision" shall not include the sale, transfer, or development of land for agricultural purposes, open space, or conservation.

(a) Final Plat: A drawing prepared in accordance with Section 15.06 of these Regulations showing all information shown on the preliminary plat and the modification of such information as was required by the Planning Board at the time it approved the preliminary plat if it in fact did approve said preliminary plat.

(b) Major Subdivision: Any subdivision of a parent parcel of land into five (5) or more lots, or a subdivision of any number of lots to be serviced by new public roads or other new public infrastructure.

(c) Minor Subdivision: Any subdivision of a parent parcel of land into less than five (5) lots, unless such lots are to be serviced by new public roads or other new public infrastructure.

(d) Preliminary Plat: A drawing prepared in accordance with Section 15.06 of these Regulations showing the layout of the subdivision including the layout

TOWN OF VICTORY ZONING LAW

and dimensions of roads and lots, topography and drainage, existing and proposed public or private infrastructure.

(e) Preliminary Plat Approval: The approval of the layout as shown on the preliminary plat, but subject to the approval of the plat in final form.

Use: An activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

(a) Accessory Use: A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.

(b) Principal Use: The main use on a lot.

Yard: An open space unobstructed from the ground up on the same lot with a structure, extending along a lot line or street line and inward to the structure; the size of the required yard shall be measured as the shortest distance between the structure and a lot line or street line.

(a) Front Yard: Between a structure and a street line and extending the entire length of the street line; in the case of a corner lot, the yards extending along all streets are front yards; in the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

(b) Rear Yard: Between a structure and a rear lot line, extending the entire length of the rear lot line.

(c) Side Yard: Between a structure and a side lot line, extending from the front yard; in the case of a lot having no street frontage or a lot of an odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Wind Power Facility: The system of equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes and base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

(a) Total Height: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(b) Tower: The monopole, freestanding, or guyed structure that supports a wind generator.

TOWN OF VICTORY ZONING LAW

(c) Wind Energy Cluster: A facility of one or more wind turbines or towers at which wind is converted to another form of energy and distributed to a customer or customers.

ARTICLE II: ADMINISTRATION

Section 2.01 – Code Enforcement Officer, Duties and Powers

The provisions of this Law shall be administered and enforced by the Code Enforcement Officer who shall be appointed by the Town Board. The Code Enforcement Officer shall have the power and duty to:

- A. Receive and examine applications for Zoning Permits and to refer application to the Planning Board for review and recommendations, when deemed advisable.
- B. Issue Zoning Permits after approval and certification of occupancy when there is compliance with the provisions of this Law and with other Town or Local Laws provided, however, the issuance of a Zoning Permit shall not be deemed a waiver of the requirements of any other Town Law or Local Law.
- C. Receive applications for Special Use Permits and forward these applications to the Planning Board for action thereon.
- D. Following the refusal of a permit, the applicant may appeal the alleged error of the Code Enforcement Officer or seek a variance. In such cases the Code Enforcement Officer shall:
 - 1. Supply appropriate forms for this purpose.
 - 2. Receive applications for appeals and/or variances.
 - 3. Forward such applications to the Zoning Board of Appeals within thirty (30) days of receipt thereof.
- E. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Law.
- F. Issue stop, cease, and desist orders, and order in writing correction of all conditions found to be in violations of the provisions of this Law. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Code Enforcement Officer to be violating the terms of this Law.
- G. With the approval of the Town Board, or when directed by them, institute in the name of the Town, any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct, or abate such violation, so as to prevent the occupancy of or use of any building,

TOWN OF VICTORY ZONING LAW

structure, or land, or so as to prevent any illegal act, conduct, business, or use in or about such premises.

H. Revoke by order a Zoning Permit issued under a mistake of fact or contrary to the Law or to the provisions of this Law.

I. Maintain a map showing the correct zoning classifications of all land.

J. Upon the request of the Town Board, the Planning Board, or the Zoning Board of Appeals, present to such bodies facts, records, or reports which they may request to assist them in making decisions.

Section 2.02 – Zoning Permits

A. No structure shall be erected, constructed, extended, or moved and no land or building changed in use until a Zoning Permit has been secured from the Code Enforcement Officer. Upon completion or changes in use or construction, reconstruction, extension, or moving of structures, the applicant shall notify the Code Enforcement Officer of such completion.

B. No permit shall be considered as complete or as permanently effective until the Code Enforcement Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Law.

C. Zoning Permits shall not be required for general maintenance work, painting, clearing woodlands, building ponds, small storage sheds, tilling the soil, raising animals, landscaping, or constructing fences, terraces, steps, and other similar features. However, all such activities shall abide by the requirements of this Law.

D. Zoning Permits shall be issued with a one (1) year life, renewable for two (2) consecutive years, provided, however, that if the work is not commenced within six (6) months after the issuance of the Zoning Permit, the permit shall automatically expire and a new permit shall be required before such work or change in uses commences.

Section 2.03 – Special Provisions for Issuance of Zoning Permits in Areas Designated as Flood Hazard Areas by the National Flood Insurance Program (NFIP)

A. When reviewing applications for Zoning Permits in areas of any district designated as flood hazard areas by the National Flood Insurance Program, the Code Enforcement Officer shall, in addition to the regular duties, determine if the proposed construction is consistent with the need to minimize flood damage.

B. The Code Enforcement Officer, in reviewing all applications for construction in flood hazard locations within the Town, shall require that any such proposed construction shall:

1. Be designed and anchored to prevent the flotation, collapse, or lateral movement of the structure or portions of the structure due to flooding.
2. Use construction materials and utility equipment that are resistant to flood damage.
3. Use construction methods and practices that will minimize flood damage.
4. Provide adequate drainage in order to reduce exposure to flood hazard.
5. Locate public utilities and facilities, including sewer, gas, electrical, and water systems, on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage.

Section 2.04 – Certification of Occupancy

No land shall be used or occupied and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy or certificate of completion has been issued by the Code Enforcement Officer stating that the building(s) or proposed use thereof complies with the provisions of this Law of the Town of Victory.

Section 2.05 – Application Requirements for Zoning Permits

A. All applications for Zoning Permits shall be made in writing by the owner, tenant, vendee under contract for sale, or authorized agent on a form supplied by the Town, and shall be filed with the Code Enforcement Officer. The applicant shall:

1. Include a statement as to the proposed use of the building or land.
2. Include a site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines.
3. Include the number, location, and design of parking spaces and loading spaces if applicable.
4. Include the size, dimensions, location, and methods of illumination for signs, if applicable.

5. Include any additional plans and information reasonably necessary for the Code Enforcement Officer to ascertain whether the proposed use, change in use, erection, alteration, or addition complies with the provisions of this Law.

B. A permit for any new use or construction which will involve the on-site disposal of sewage or waste, or a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, or which will require a new or modified water supply, shall not be issued until a certificate of approval has been issued by the Cayuga County Health Department.

Section 2.06 – Issuance of Zoning Permits

A. Zoning Permits shall be granted or refused within fifteen (15) days after the completed written application has been filed with the Code Enforcement Officer except as provided elsewhere in this Law. Upon completion of the activity authorized by the Zoning Permit, the holder of such permit shall notify the Code Enforcement Officer.

B. All applications with accompanying plans and documents shall become, and be preserved as, a public record, subject to disposition of the Town Board.

Section 2.07 – Fees

The applicant, at the time of application for a Zoning Permit, shall pay to the appropriate Town Official the fee for said permit as established by the Town Board. The Town Board may, from time to time, amend the fee schedule. Fees shall be established by the Town Board by resolution.

Section 2.08 – Violations

In the case any building or structure is erected, constructed, reconstructed, altered, or converted, or any building, structure, or land is used in violation of this Article or of any other local Law, Ordinance, or other regulation made under authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises; and upon the failure or refusal of the proper local officer, board, or body of the Town to institute any such appropriate action or

proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three (3) taxpayers of the Town residing in the district herein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board, or body of the Town is authorized to do. (See Appendix B)

Section 2.09 – Fines and Penalties

For any and every violation of the provisions of these Regulations, the following shall be liable, upon conviction thereof, to a fine or penalty not to exceed \$250 or by imprisonment for a period not to exceed 15 days or by both such fine and imprisonment:

A. The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist;

B. The owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist;

C. The general agent, architect, building contractor, or any other person who knowingly commits, takes part, or assists in any such violation, or who maintains any building or premises in which any such violation shall exist.

ARTICLE III: PLANNING BOARD & ZONING BOARD OF APPEALS

Section 3.01 – Planning Board

A. Establishment of a Planning Board. A Planning Board is established for the Town of Victory.

B. Membership, Terms of Office. The Planning Board shall consist of five (5) members appointed by the Town Board for overlapping five (5) year terms.

C. Procedures, Meetings, Records, and Decisions.

1. Procedures. The Town board shall appoint a Chairperson. The Planning Board shall appoint a secretary and prescribe rules in accordance with the provisions of the State Statutes for the conduct of its affairs.

2. Meetings. Meetings shall be held once a month and at any such other times as the Planning Board Chairman shall specify. All meetings of the Planning Board shall be open to public attendance.

3. Records and Decisions. Minutes shall be recorded of all meetings and shall contain relevant information of every action considered together with the votes of each member and final decision of each proposed action. The Planning Board shall notify the Town Board and Code Enforcement Officer of all decisions and resolutions.

D. Powers and Duties. The Planning Board's powers and duties shall include, but are not limited to, the following:

1. Subdivisions. The Planning Board shall have the approval authority on all lot line adjustments, minor subdivisions, and major subdivisions. (See Article XV)

2. Site Plan Review and Approval. The Planning Board shall have the approval authority to make the final decision on any Site Plans. (See Article IX)

3. Special Use Permits. The Planning Board shall review any use which requires a Special Use Permit. The Planning Board shall have the authority to determine whether the Special Use Permit shall be approved and what conditions, if any, will be imposed. (See Article VIII)

4. Amendments. The Planning Board shall periodically review the Town's Zoning Code and Land Use Regulations and make recommended changes and updates to the Town Board.

Section 3.02 – Zoning Board of Appeals

A. Establishment of Zoning Board of Appeals. In order that the objectives of this Law may be more fully and equitably achieved and a means for competent interpretation of this Law provided, there is established a Zoning Board of Appeals for the Town of Victory.

B. Membership, Terms of Office. The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board pursuant to Town Law.

C. Procedures, Meetings, Records, and Decisions.

1. Procedures. The Town Board shall appoint a Chairperson. The Zoning Board of Appeals shall appoint a secretary and prescribe rules in accordance with the provisions of the State Statutes for the conduct of its affairs.

2. Meetings. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. All meetings of the Zoning Board of Appeals shall be open to public attendance.

3. Records and Decisions. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and final disposition of each case. Every decision of the Zoning Board of Appeals shall bear the signature of a majority of the members of the Zoning Board of Appeals on the original thereof. All decisions of the Zoning Board of Appeals shall be permanently filed with the official Town Records. The Zoning Board of Appeals shall notify the Town Board, Planning Board, and the Code Enforcement Officer of all decisions and resolutions.

D. Powers and Duties.

1. Appeals from Alleged Error of Code Enforcement Officer. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, including any order requiring an alleged violator to stop, cease, and desist, made by the Code Enforcement Officer in the enforcement of this Law.

2. Variances.

a. To authorize, upon appeals, in specific cases such variances from the terms of this Law as will not be contrary to public where owing to special conditions a

literal enforcement of the provisions of this Law will result in unnecessary hardship, and so that the spirit of the Law shall be observed and substantial justice done.

b. The applicant shall have the burden of proof in establishing their right to a variance.

c. In reaching its decision, the Zoning Board of Appeals shall be guided by the following standards:

[1] Area Variances.

[a] In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall consider:

i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and

ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and

iii. Whether the requested area variance is substantial; and

iv. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

[b] The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

[2] Use Variances.

[a] A use variance shall be granted by the Zoning Board of Appeals only when the applicant has demonstrated that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove

TOWN OF VICTORY ZONING LAW

such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that:

- i. An applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
- ii. That the alleged hardship relating to the property is unique, and does not apply to substantial portion of the district or neighborhood; and
- iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- iv. That the alleged hardship has not been self-created.

[b] The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem 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.

d. The Zoning Board of Appeals shall, in the granting of both area and use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect.

E. Notice of Hearings. Upon filing with the Zoning Board of Appeals of an application for a zoning variance or appeal from alleged error of the Code Enforcement Officer, the Zoning Board of Appeals shall fix a reasonable time and place for a public hearing thereon and give notice as follows:

1. At least five (5) days prior to the date fixed for public hearing publish a notice in the official paper describing the location of the building or lot and the general nature of the question involved.
2. At least five (5) days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the adjacent parties, any regional state park commission that has jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal, and to the County Planning Department as required by Section 239-m of the NYS General Municipal Law.

F. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision, or determination of the Zoning Board of Appeals not previously reviewed may be made by any member of the Zoning Board of Appeals. A unanimous vote is required and the rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing, the Zoning Board of Appeals may reverse, modify, or annul its original order, decision, or determination by unanimous decision of members present, provide the Zoning Board of Appeals finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision, or determination will not be prejudiced thereby.

G. Who May Appeal. Appeals to the Zoning Board of Appeals may be taken by any person or Town Official aggrieved or affected by any provision of this Law or by any decision including any order to stop, cease, and desist issued by the Code Enforcement Officer in enforcing the provisions of this Law.

H. Rules and Procedures for Filing Appeals and Applications.

1. General Rules and Procedures for Filing Appeals and Applications.

a. Any appeal shall be made by filing the same with the Code Enforcement Officer within thirty (30) days after the date of the Code Enforcement Officer's adverse decision.

b. All appeals and applications made to the Zoning Board of Appeals shall be in writing on standard forms prescribed by the Town Board (See Appendix C and Appendix D).

c. All appeals and applications shall refer to the specific pertinent provisions of this Law.

d. All appeals and applications shall set forth names and addresses of all adjoining owners including those across public roads from the subject property.

2. Appeals from Alleged Error. Appeals from alleged error of the Code Enforcement Officer shall specify the alleged error, the Section or Sections of this Law to which it pertains, and the interpretation thereof that is claimed.

3. Variance Appeals. Appeals for variance from the strict application of this Law shall include the Zoning Permit application denied by the Code Enforcement Officer together with a statement with any supporting evidence regarding the requirements listed in Section 3.02-D (2).

TOWN OF VICTORY ZONING LAW

I. Appeal to Court. Any person or persons, jointly or severally aggrieved by a decision of the Zoning Board of Appeals or any officer, department, Board, or Bureau of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

ARTICLE IV: ESTABLISHMENT OF DISTRICTS

Section 4.01 – Purpose

For the purpose of promoting the public health, safety, and general welfare of the Town of Victory, the Town is hereby divided into the following types of districts:

A. Agricultural/Residential District (AR): The AR District is intended for portions of the Town where open space is important, both for the purposes of farming and to maintain the rural character of the community. This District is intended to accommodate the continued use of existing farms while allowing for low-density residential development.

B. Hamlet District (Ha): The Hamlet District is intended to provide for a cluster of moderate density neighborhood housing development and neighborhood services while maintaining the generally rural character of the Town. Small commercial businesses may be in proximity to residential uses; however, large scale businesses or traffic-intensive uses will be discouraged.

C. Highway District (Hw): The Highway District is intended to provide for land uses that generate a moderate to high volume of traffic, such as large-scale commercial and industrial, as well as small to medium commercial and industrial uses.

Section 4.02 – Zoning Map

Said Districts are bounded as shown on a map entitled “Town of Victory Zoning Map” certified by the Town Clerk, which accompanies and which, with all explanatory matter there on, is hereby made a part of this Law.

Section 4.03 – Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as show on the zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.

TOWN OF VICTORY ZONING LAW

C. Where district boundaries are so indicated that they are approximately parallel to the center lines, street lines, or right-of-way lines of highways, such district boundaries shall be construed to be parallel thereto and at such distance there from as shall be determined by the use of the scale shown on the zoning map.

D. In case of further uncertainty as to the true location of a zoning district boundary line in a particular instance, the Zoning Board of Appeals shall determine the locations of such boundary.

ARTICLE V: DIMENSIONAL REQUIREMENTS

Section 5.01 – District Regulations

The regulations for each district pertaining to minimum lot width, maximum building coverage, minimum front yard depth, and maximum height shall be as specified in this section, subject to the further provisions of this Law.

District	Minimum Lot Size	Minimum Lot Width	Maximum Building Coverage	Minimum Floor Area (Principle Structure)	Minimum Building Setback			Maximum Building Height
					Front	Side	Rear	
Agricultural / Residential (AR)	2 acres	250 ft	35%	840 sq ft	85 ft	30 ft	30 ft	35 ft
Hamlet (Ha)	2 acres	200 ft	35%	840 sq ft	75 ft	20 ft	30 ft	35 ft
Highway (Hw)	2 acres	250 ft	35%	840 sq ft	85 ft	30 ft	30 ft	35 ft

Section 5.02 – Front and Side Yards of Corner Lots

On a corner lot the side setback requirements shall be increased to the minimum of the front setback requirement.

Section 5.03 – Exceptions of Minimum Lot Sizes and Lot Widths

The provisions of Article IV shall not prevent the construction of a single family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Law was in separate ownership duly recorded by plat or deed.

Section 5.04 – Exceptions of Building Height

Maximum height regulations shall not apply to farm buildings, church spires, chimneys, wind power facilities, telecommunication facilities, or other structures built above the roof and not devoted to human occupancy.

Section 5.05 – Traffic Visibility across Corners (Clear Sight Triangle)

A. On any corner lot, no wall, fence, or other structure shall be erected or altered, or no hedge, tree, shrub, or other growth except agricultural crops shall be maintained which may cause danger to traffic on a public street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on such line twenty-five (25) feet from the intersection of the street lines.

B. Where a private access way intersects a public street, visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street line, the edge of the private access way, and a straight line drawn between points on both the street line and the edge of the access way ten (10) feet from the intersection of said lines. Mail tubes and paper tubes are excluded from this height restriction.

Section 5.06 – Essential Services

The erection, construction, alteration, or maintenance by public utilities, the Town, or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities, the Town, or other governmental agencies or for the public health, safety, or general welfare, but not including buildings will be permitted, without a permit.

ARTICLE VI: USE REGULATIONS

Section 6.01 – Applicability of Regulations

Except as provided by law or in this Law, in each District no building, structure, or land shall be used or occupied except for the purposes permitted in Section 6.06 and for the zoning districts so indicated.

Section 6.02 – Uses by Right, Special Conditions, Special Use Permits, Temporary Uses, and Uses Not Permitted The following describes the categories of uses as outlined in Section 6.06:

- A. Uses permitted by right with zoning permit as required. (Denoted by “P”) No permit shall be required for general maintenance work, painting, clearing woodlands, landscaping, tilling the soil, raising animals, constructing fences, terraces, steps, small storage sheds or other similar features less than 144 square feet. All such activities, however, shall conform to the requirements of these Regulations.
- B. Uses permitted by right subject to Special Conditions, as defined in Article VI. Review by the Code Enforcement Officer is required before permit will be issued. (Denoted by “SC”)
- C. Uses permitted upon issuance of a Special Use Permit. The Planning Board reviews the issuance of Special Use Permits subject to the requirements of Article VII and such further restrictions that said Board may require. (Denoted by “SUP”)
- D. Uses permitted for a temporary amount of time. Review by either the Code Enforcement Officer or Planning Board, as stated. (Denoted by “T”)
- E. A use not permitted in a district is denoted by the letter “N”.

Section 6.03 – Uses Subject to Other Regulations

Permitted uses shall be subject, in addition to use regulations, to such regulations as yard, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Articles of the Land Use Regulations.

Section 6.04 – Provisions Applicable to Commercial Uses

- A. Loading, storage, and service areas shall be substantially screened from view of the public road and any adjacent residential use.

TOWN OF VICTORY ZONING LAW

Section 6.05 – Prohibited Uses

Any uses not expressly stated and permitted in Section 6.06 are prohibited in the Town of Victory.

Section 6.06 – Usage Table

Land Use or Activity		AR	Hw	Ha	Reference
RESIDENTIAL USES					
1	Dwelling, Single Family	SC	SC	SC	Section 7.03-A
2	Dwelling, Two Family	SC	SC	SC	Section 7.03-B
3	Dwelling, Manufactured Home or Mobile Home	SC	SC	SC	Section 7.03-C
4	Dwelling, Multiple Family	N	SUP	SUP	Section 8.05-A
5	Dwelling, Town House / Condominium	N	SUP	SUP	Section 8.05-A
6	Conversion of an existing building into a two-family dwelling	SC	SC	SC	Section 7.03-B
7	Manufactured Home Community	SUP	SUP	N	Section 8.05-B
AGRICULTURAL USES					
8	Tilling of the soil	P	P	P	
9	Animal Husbandry, Raising Livestock	P	P	P	
10	Customary Farm Operations & Farm Structures	P	P	P	
11	Customary Forestry Practices	P	P	P	
12	Farm Stand for sale of produce	SC	SC	SC	Section 7.03-D
13	Greenhouse or Nursery, Commercial	SC	SC	SC	Section 7.03-D
14	Noncommercial Greenhouse	SC	SC	SC	Section 7.03-I
15	Veterinary Clinic / Animal Hospital / Kennel	SC	SC	SC	Section 7.03-E

TOWN OF VICTORY ZONING LAW

1 6	Commercial Riding School or Horse Stable	SC	N	N	Section 7.03-E
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P = Permitted by Right; **SC** = Permitted with Special Conditions (CEO Review); **T** = Temporary Permit; **SUP** = Special Use Permit Required (Planning Board Action); **N** = Not Permitted in District.

Land Use or Activity		AR	Hw	Ha	Reference
COMMUNITY USES					
1 7	Community Center / Adult Education & Recreation Center	N	SUP	SUP	Section 8.05-C
1 8	Day Care Center / Nursery School or similar facility	SUP	SUP	SUP	Section 8.05-C
1 9	Residential Care Facility	N	SUP	SUP	
2 0	Hospital / Clinic	N	SUP	N	Section 8.05-C
2 1	Public or Private School	SUP	SUP	SUP	Section 8.05-C
2 2	Library / Museum	N	SUP	SUP	Section 8.05-C
2 3	Place of Worship	SUP	SUP	SUP	Section 8.05-C
2 4	Utility, Public or Private	SUP	SUP	SUP	Section 8.05-D
2 5	Telecommunication Facilities	SUP	SUP	SUP	Section 8.05-E
COMMERCIAL USES					
2 6	Airport / Air Strip	SUP	SUP	N	
2 7	Artist / Photography Studio	SUP	SUP	SUP	
2 8	Auto Repair Garage, Commercial	N	SUP	SUP	
2 9	Auto Sales or Rental	N	SUP	N	
3 0	Bank	N	SUP	SUP	
3 1	Bed & Breakfast Facility / Boarding House	SC	SC	SC	Section 7.03-I

TOWN OF VICTORY ZONING LAW

3 2	Campground / RV / Camper Trailer Park	SUP	SUP	N	
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P = Permitted by Right; **SC** = Permitted with Special Conditions (CEO Review); **T** = Temporary Permit;
SUP = Special Use Permit Required (Planning Board Action); **N** = Not Permitted in District.

TOWN OF VICTORY ZONING LAW

Land Use or Activity		AR	Hw	Ha	Reference
COMMERCIAL USES					
3 3	Car Wash	N	SUP	N	
3 4	Club / Lodge	N	SUP	SUP	
3 5	Commercial Sales or Storage of mobile homes, trailers, or boats	N	SUP	N	
3 6	Funeral Home	N	SUP	SUP	
3 7	Gasoline Station	N	SUP	SUP	
3 8	Hotel / Motel	N	SUP	N	
3 9	Junkyard / Recycling Facility	N	SUP	N	Section 8.05-F
4 0	Laundromat	N	SUP	SUP	
4 1	Medical or Dental Office	N	SUP	SUP	
4 2	Office, Business and Professional	N	SUP	SUP	
4 3	Outdoor Firing Range	SUP	N	N	
4 4	Personal Services such as Barber, Beauty, Tattoo, and Tailor	SUP	SUP	SUP	
4 5	Recreational Facility	SUP	SUP	SUP	
4 6	Restaurant with Drive Thru Service	N	SUP	N	
4 7	Restaurant without Drive Thru Service	N	SUP	SUP	
4 8	Retail Sales	N	SUP	SUP	
4 9	Self-Storage Unit Facility	N	SUP	SUP	

P = Permitted by Right; SC = Permitted with Special Conditions (CEO Review); T = Temporary Permit; SUP = Special Use Permit Required (Planning Board Action); N = Not Permitted in District.

TOWN OF VICTORY ZONING LAW

Land Use or Activity		AR	Hw	Ha	Reference
COMMERCIAL USES					
50	Small Engine Repair	SUP	SUP	SUP	
51	Solar Power Facility, Large-Scale	SUP	SUP	N	Section 8.05-G
52	Solar Power Facility, Small-Scale	SC	SC	SC	Section 7.03-F
53	Tavern / Bar / Pub	N	SUP	SUP	
54	Theater, Indoor / Outdoor	N	SUP	SUP	
55	Wellness Center	SUP	SUP	SUP	
56	Wind Power Facility, Large-Scale	SUP	SUP	N	Section 8.05-H
57	Wind Power Facility, Small-Scale	SC	SC	SC	Section 7.03-G
INDUSTRIAL USES					
58	Distribution, Storage Warehouse, and Delivery Center	N	SUP	N	Section 8.05-I
59	Dry Cleaning Plant	N	SUP	N	Section 8.05-I
60	Laboratory, Research / Experimental / Testing	N	SUP	N	Section 8.05-I
61	Mining (Extraction)	SUP	SUP	N	Section 8.05-J
62	Printing / Publishing Company	N	SUP	N	Section 8.05-I
63	Production, Processing, Assemblage, and Cleaning of Materials, Goods, or Services	N	SUP	N	Section 8.05-I
ACCESSORY USES					
64	Accessory Structures	SC	SC	SC	Section 7.03-H
65	Swimming Pool, Private	SC	SC	SC	Section 7.03-H

P = Permitted by Right; SC = Permitted with Special Conditions (CEO Review); T = Temporary Permit; SUP = Special Use Permit Required (Planning Board Action); N = Not Permitted in District.

TOWN OF VICTORY ZONING LAW

Land Use or Activity		AR	Hw	Ha	Reference
ACCESSORY USES					
6 6	Customary Home Occupation	SC	SC	SC	Section 7.03-I
6 7	Off Premises Sign	SUP	SUP	SUP	
6 8	Electric Vehicle Charging Station, Level 2	SC	SC	SC	Section 7.03-J
6 9	Electric Vehicle Charging Station, Level 3	N	SC	N	Section 7.03-J
7 0	Mass Gathering	T, SUP	T, SUP	T, SUP	Section 8.05-K
7 1	Recreational Vehicle, Habitation	T, SC	T, SC	T, SC	Section 7.03-K
7 2					

P = Permitted by Right; **SC** = Permitted with Special Conditions (CEO Review); **T** = Temporary Permit; **SUP** = Special Use Permit Required (Planning Board Action); **N** = Not Permitted in District.

ARTICLE VII: SPECIAL CONDITIONS AND SUPPLEMENTARY REGULATIONS

Section 7.01 – Purpose and Intent

The intent of this Article is to set forth supplemental regulations, procedures, and conditions which shall apply to certain land use activities in the Town of Victory which are incongruous or sufficiently different in terms of their nature, location, and potential effect on the surrounding environment and the quality of the community, and which warrant special evaluation of each individual case.

Section 7.02 – Applicability

No Zoning Permit shall be issued by the Code Enforcement Officer for any land use activity listed in Section 6.06 as having Special Conditions applicable (SC) until the Code Enforcement Officer is satisfied that the applicable regulations set forth in this Article have been complied with.

Section 7.03 – Special Conditions for Specific Uses

The Code Enforcement Officer shall issue a Zoning Permit for the following uses only when satisfied that applicable Special Conditions, as set forth in this Article, have been complied with as well as any other relevant requirement of these Regulations.

A. Dwelling, Single Family. No more than one single dwelling per lot.

B. Dwelling, Two Family/Conversion of an Existing Building into a Two-Family Dwelling. The lot area per family shall not be less than the minimum lot required for the district in which the lot is situated.

C. Dwelling, Manufactured Home or Mobile Home

1. Residential structures shall have a HUD seal properly affixed to affirm construction has been in accordance with the Federal Manufactured Housing Construction and Safety Standards.

2. Minimum Floor Area. Residential structures shall have a minimum habitable floor area of 840 square feet.

3. Base. Each unit shall be placed upon a base designed to support the unit so as to prevent heaving, shifting, or uneven settling; the stand shall have tie-downs to secure the unit against uplifting, sliding, rotation, or overturning. All towing devices, wheels, axles, and hitches must be removed upon placement.

4. Skirting. Skirting of a weather resistant permanent material shall be provided to fully close off the area between the bottom of the home and the foundation. Such skirting shall be installed prior to occupancy, shall be properly maintained, and shall contain two diagonally located doors or hatches of a minimum of three (3) feet so as to provide access for firefighting and be marked or identified as such points of access.

5. Entrance Platform. Residential structures shall have an entrance platform measuring no less than four (4) feet by six (6) feet.

6. Foundation. Residential structures shall be installed on a permanent foundation in accordance with the Federal Manufactured Housing Construction and Safety Standards.

D. Farm Stand for Sale of Produce/Greenhouse or Nursery, Commercial

1. The stand, greenhouse, or nursery shall not be located within fifty (50) feet of an intersection.

2. Parking for vehicles shall be provided off the street pavement.

E. Veterinary Clinic/Animal Hospital/Kennel/Commercial Riding School or Horse Stable

1. If in conjunction with a residence, no animals other than pets of the household shall be kept in the residence.

2. A kennel or animal hospital shall be designed so that any animals kept therein shall not be an annoyance to any surrounding residences. No kennel shall be less than 500 feet from any property line.

3. No stable shall be less than two hundred (200) feet from any property line.

F. Solar Power Facility, Small-Scale (maximum 4,000 square feet)

1. Small-scale roof-top and building-mounted solar collectors are permitted in all zoning districts in the Town. Building permits shall be required for installation of roof-top and building-mounted solar collectors.

TOWN OF VICTORY ZONING LAW

2. Small-scale ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts in the Town, subject to the following requirements:

- a. The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.
- b. The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.
- c. The solar collectors are located in the side or rear yard.
- d. Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any roads and inhabited buildings on adjacent properties.

3. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of all proposed solar collectors.

4. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town.

5. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Cayuga County and other applicable laws and regulations.

6. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

G. Wind Power Facility, Small-Scale (maximum 100 kilowatts capacity)

1. Small-scale Wind Power Facilities are permitted as accessory uses only in all zoning districts in the Town, subject to the following requirements:

2. Height. Total height of tower shall not exceed one hundred (100) feet.

3. Setbacks. Wind Power Facilities shall be set back not less than the total height of the tower from:

- a. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- b. Any permanent structures;
- c. Any overhead utility lines, unless written permission is granted by the affected utility;
- d. Any property lines, unless written permission is granted from the affected land owner or neighbor.

4. Building permit applications shall be accompanied by standard drawings of the structural components of the Wind Energy Facility. Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Uniform Fire Prevention and Building Code.

5. If a wind power facility ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the facility no later than 90 days after the end of the twelve-month period.

H. Accessory Structures

- 1. No accessory structure shall be located closer than twenty (20) feet to the side lot line, and thirty (30') to the rear lot line.
- 2. All swimming pools shall comply with the New York State Uniform Fire and Building Code § 720.1 and 720.2 Re: Enclosure.
- 3. Buses shall not be used as storage structures.

I. Rural Home Occupation:

- 1. Is customarily carried on in a dwelling unit, or in a building or other accessory structure to a dwelling unit, by members of the immediate family residing in that dwelling unit. In particular, a home occupation includes the following or similar uses: art studio; home office of a lawyer, engineer, architect, writer, accountant; beauty or

TOWN OF VICTORY ZONING LAW

barber shop; chiropractor; massage therapist; dressmaking or tailor shop; handcrafts shop; teaching of not more than four (4) pupils simultaneously.

2. Is an accessory use and as such is clearly incidental and secondary to the use of the dwelling for residential purposes.

3. Conforms to the following regulations:

a. The home occupation shall be carried on wholly indoors and within the principal or other structure accessory hereto.

b. There shall be no use of show windows or display of advertising visible outside the premises to attract customers or clients other than home occupation announcement signs under ten (10) square feet.

c. There shall be no external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, if such in any way alters the residential character of the building.

d. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than three (3) additional employees.

e. No articles shall be sold or offered for sale except such as may be produced on the premises, transported in the owner's automobile or pickup truck, or delivered through the postal service.

f. Repetitive servicing by truck for supplies and materials is prohibited.

g. The floor area devoted to a Rural Home Occupation shall not be more than two thousand (2,000) square feet.

4. Among the uses that shall not be interpreted to be a home occupation are the following: animal hospital, commercial stables and kennels, restaurant, junkyard, dismantling business, and repair garage.

J. Electric Vehicle Charging Station, Level 2 and Level 3.

1. Public Use.

a. Electric Vehicle parking and charging stations shall be equal to parking space size and performance standards as provided in Section 10.01(A) of the Town Zoning Code. The installation of Electric Vehicle Supply Equipment shall not

reduce the electric vehicle parking space length to below off-street parking space size and standards required under Section 10.01(A).

b. Installation of EVSE shall meet National Electric Code Article 625.

c. Charging station outlets and connectors shall be no less than 36 inches and no higher than 48 inches from the surface where mounted.

d. Adequate electric vehicle charging station protection, such as concrete-filled steel bollards, shall be installed. Curbing may be used in lieu of bollards, if the charging station is setback a minimum of 24 inches from the face of the curb.

e. Adequate site lighting should be provided unless charging is for daytime purposes only.

f. If time limits or vehicle removal provisions are to be applied, regulatory signage including parking restrictions, hours and days of operation, towing, and contact information shall be installed immediately adjacent to, and visible from, the electric vehicle charging station.

g. When EVSE is placed in a sidewalk or adjacent to a walkway, it shall not interfere with the minimum pedestrian clearance widths as defined in Chapter 11 of the New York State Building Code: Accessibility. Cords, cables, and connector equipment shall not extend across the path of travel within a sidewalk or walkway.

2. Electric Vehicle Charging Station, Restricted Use. Electric Vehicle Charging Stations shall be located in a manner that will not allow public access to the charging station.

K. Recreational Vehicle, Habitation. Recreational Vehicles located outside of a designated recreational vehicle park may be occupied only as follows:

1. With a Temporary Permit, issued by the Code Enforcement Officer, a recreational vehicle may be occupied for a period of up to sixty (60) days, renewable by new application, but in no case shall exceed six (6) months per calendar year. Recreational Vehicles shall not be rented for on-premise habitation.

a. Applicant must provide:

[1] Garbage removal plan;

[2] Waste water removal plan;

TOWN OF VICTORY ZONING LAW

[3] Sewer removal plan;

b. Permit must be prominently displayed in window, visible from the road.

c. Location of occupied recreational vehicle on lot must meet all setback requirements.

d. No decks, porches, roofs, or sheds shall be affixed to any recreational vehicle.

2. An unoccupied recreational vehicle shall be stored no closer than twenty (20) feet to any rear or side lot line and no closer than twenty (20) feet to the road right-of-way. The recreational vehicle shall not obscure the view by neighbors or oncoming traffic. When so stored, no connections shall be permitted except electrical.

ARTICLE VIII: SPECIAL USE PERMITS

Section 8.01 – Purpose and Intent

The purpose of this Article is to set forth supplemental regulations, procedures, and conditions which shall apply to certain land use activities in the Town of Victory and which are incongruous or sufficiently different in terms of their nature, location, and potential effect on the surrounding environment and the quality of the community, and which warrant special evaluation of each individual case.

Section 8.02 – Applicability

No Zoning Permit shall be issued by the Code Enforcement Officer for any land use or activity listed in Section 6.06 as requiring a Special Use Permit (SUP) until the Planning Board has approved the application. The Planning Board shall approve the applications for Special Use Permits only when satisfied that applicable requirements, as set forth in this Section, have been complied with, in addition to all other requirements of these Regulations. All fees as established by Town Board fee schedule shall be paid.

Section 8.03 – Procedure for Obtaining Special Use Permits

The Planning Board shall hear and decide upon any application for a Special Use Permit as listed in Section 6.06. Applicants shall have the burden of proof in establishing his/her right to a Special Use Permit.

Section 8.04 – General Requirements and Standards Applicable to all Special Use Permits

A. Applications for Special Use Permits shall include:

1. A Special Use Permit Application with all information required therein (See Appendix F);
2. An approved Site Plan in accordance with the requirements listed in Article IX: Site Plan Review; and
3. A statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of these Regulations.

TOWN OF VICTORY ZONING LAW

B. The Planning Board shall grant a Special Use Permit only if it finds adequate evidence that any proposed use submitted for a Special Use Permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Planning Board shall, among other things, require that any proposed use and location be:

1. In the best interest of the Town, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
2. Suitable for the property in question and designed, constructed, operated, and maintained so as to be in harmony with, and appropriate in appearance with the existing or intended character of, the general law.
3. In conformance with all applicable requirements of these Regulations.

C. In granting a Special Use Permit, the Planning Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of these Regulations. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the number of required off-street parking spaces.
5. Limiting the number, size, location, and lighting of signs.
6. Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
7. Designating areas for open space.

D. Public hearing and Planning Board Action on Special Use Permits.

1. Within sixty-two (62) days of the receipt of an application for Special Use Permit, the Planning Board shall conduct a public hearing.
2. The Planning Board shall publish a notice in the official paper at least five (5) days prior to the date fixed for public hearing.

3. The Planning Board shall make a decision on the application within sixty-two (62) days after such hearing and file said decision within five (5) business days after the day such decision was rendered with the Town Clerk, and mail such decision to the applicant with a copy to the Code Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

E. Referral to the County Planning Board must be made at least ten (10) days before hearing under provisions of Section 239-l, m & n of the New York State General Municipal Law.

F. SEQRA requirements shall be met.

Section 8.05 – Requirement for Defined Special Uses

A. Apartments, Condominiums, Townhouses, and Multi-Family Dwellings

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, apartments, condominiums, townhouses, and multi-family dwellings must be on a separate lot containing not more than twelve (12) units, provided these dwellings are in character with the surrounding area, and are subject to the following provisions: and requirements listed below.

1. Density. The overall density of occupancy in any permitted multiple family dwelling development shall not exceed six (6) dwelling units for each lot area.

2. Lot Area. Any parcel of land development under the terms of these Regulations shall contain a total minimum of two (2) acres with a width of not less than two hundred (200) feet at the building setback line.

3. Floor Area. A maximum 0.141 square feet of floor area shall be permitted for each square foot of land area.

4. Open Space.

a. At least 5.5 square feet of lot area per one (1) square foot of floor area shall be open space.

b. Open space is the total horizontal area of all uncovered and unpaved (non-parking areas) open space. Covered open space is exterior space that is open on its sides to the sky and weather, such as roofed porches, pavilions, and covered balconies.

5. Recreation Space.

- a. At least 0.21 square feet of lot area per one (1) square foot of floor space shall be recreation space.
- b. All recreation space counted shall be at least twenty (20) feet away from any residence containing a ground floor window.
- c. All recreation space shall be at least one hundred (100) feet for each dimensions, except that an area of lesser dimension is permissible if the total required recreation space is less than 10,000 square feet.

6. Sewage Disposal. All multiple family dwellings shall be connected to public sewer and water, where available.

B. Manufactured Home Community

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, new, modified, or enlarged Manufactured Home Communities are subject to the following provisions:

- 1. Applications shall include the proposed methods of providing:
 - a. Sanitary waste collection and disposal.
 - b. Potable water supply.
 - c. Fire protection.
 - d. Refuse collection.
 - e. Adequate drainage including Storm Water Pollution Prevention Plan (if required).
 - f. Electrical Service.
 - g. Mail delivery.
 - h. Snow removal.
 - i. Any additional services as the Planning Board may deem necessary.

2. Construction and Design Standards:

TOWN OF VICTORY ZONING LAW

a. Size. A Manufactured Home Community shall comprise an area of not less than ten (10) acres.

b. Setbacks. No manufactured home office or service building shall be closer than one hundred (100) feet from any street, road, highway line, or property line.

c. Density. The number of residential units shall not exceed six (6) per gross acre of the Manufactured Home Community.

d. Screening. The Manufactured Home Community shall be screened from neighboring properties as specified in Article XII.

e. Private Streets.

[1] Private streets shall have a minimum width of twenty-one (21) feet and a minimum shoulder width of two (2) feet on both sides.

[2] All private streets shall be paved, including an eight (8) inch sub-base of stony gravel, topped with three (3) inches of fine gravel, or crushed run. The shoulders shall be graveled to a minimum depth of three (3) inches.

[3] Speed bumps are prohibited on private streets.

f. Layout. The layout and design of individual sites, streets, and recreation areas must preserve, as much as practical, the existing topography to include features such as mature trees, rock outcroppings, or other significant and beneficial aesthetic features.

g. Spacing. There shall be a minimum spacing of thirty-five (35) feet between residential units.

h. Yards. Each residential unit shall the following minimum yard requirements:

[1] Rear yard minimum of fifteen (15) linear feet.

[2] Side yard minimum of ten (10) linear feet.

i. Ground Cover. Exposed ground surfaces shall be protected with grass, plant material, or any other material approved by the Planning Board for the prevention of erosion and the elimination of dust.

j. Utility Lines. All utility lines, including water, sewer, electric, and telephone, shall be installed underground.

k. Accessory Structures. All accessory structures are restricted to rear or side yard locations. Minimum setback for an accessory structure shall be three (3) feet from rear or side yard line.

l. Zoning Permit Required. There shall be no construction or installation without first securing a Zoning Permit from the Code Enforcement Officer after prior approval has been granted by the Manufactured Home Community owner or operator.

3. All individual residential units shall comply with the regulations specified in Article VI: Section 7.03-C.

C. Community Uses (uses #17-23 in Section 6.06)

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, community uses are subject to the following provisions:

1. Minimum lot size shall be three (3) acres.
2. Completely detached buildings on the same lot shall be not less than thirty (30) feet from one another.

D. Utility, Public or Private

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, commercial antenna, micro relay station, transformer station, substation, pumping station, or automatic telephone exchange are subject to the following provisions:

1. Such public service structures shall be permitted only if it is essential to service such districts;
2. No public business office or any storage yard or storage building shall be operated;
3. Suitable landscaping shall be installed; and
4. No supporting wires shall be closer than fifty (50) feet to any lot line.

E. Telecommunication Facilities

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, Telecommunication Facilities are subject to the following provisions:

1. All applications for either new or modified telecommunication facilities shall meet the following criteria:

TOWN OF VICTORY ZONING LAW

- a.** Project is necessary to meet current or reasonable expected demands for services.
 - b.** Project conforms with all federal and state laws and all applicable rules or regulations promulgated by the Federal Communications Commission (FCC), Federal Aviation Commission (FAA), or any other federal agencies having jurisdiction.
 - c.** Applicant is considered a public utility in the State of New York.
 - d.** Facility is sited, designed, and constructed in a manner that minimizes visual impact to the extent practical and mitigates adverse impacts upon migratory birds and other wildlife.
 - e.** Project complies with all other requirements of this Law, unless expressly superseded herein.
 - f.** Location is the most appropriate site among those available within the technically feasible area for the location of a telecommunication facility.
 - g.** When including the construction of a tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers. Any subsequent location of telecommunication equipment by other service providers on specifically designed for shared use shall not require a new or modified Special Use Permit if there would be no increase in the height of the tower. However, any additional equipment will require a Special Use Permit review.
- 2.** The shared use of existing telecommunication facilities or other structures shall be preferred to the construction of new facilities. Any application, renewal, or modification thereof shall include proof that reasonable efforts have been made to co-locate within an existing structure. The application shall include an adequate inventory report specifying existing telecommunication facility sites. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facility sites in the inventory due to one (1) or more of the following reasons:
- a.** The planned equipment would exceed the structural capacity of the existing and approved telecommunication facilities or their structure, considering existing and reasonable anticipated future use for those facilities and structures.

- b. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
- c. Existing or approved telecommunication facilities or other structures do not have space and cannot be modified to provide space on which proposed equipment can be placed so it can function effectively and reasonably.
- d. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities and structures.
- e. The owner of the existing telecommunication facility or other structure refused to allow such co-location.

3. Dimensional Standards.

- a. A fall zone around any tower constructed as part of a telecommunication facility must have a radius at least equal to the height of the tower and any attached antennas. The entire fall zone may not include public roads and must be located on the property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunication facility.
- b. All telecommunication facilities shall comply with the setback, frontage, minimum lot size, and the fall zone requirements of Article III. To the extent there is a conflict, the more restrictive provision shall govern. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone.
- c. The front, side, and rear yard requirements in which a telecommunication facility is erected shall apply not only to the tower, but also to all tower parts including guy wires and anchors and to any accessory buildings.

4. Lighting and Marking Requirements

- a. Towers shall not be artificially lighted and marked beyond the requirements of the FAA.
- b. Notwithstanding the preceding requirement, an applicant may be permitted to add FAA-style lighting and marking, even if not required by the FAA, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety and would not unduly adversely affect residents of any surrounding property.

5. Appearance and Buffering

a. The use of any portion of a telecommunication facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons are prohibited.

b. The facility shall have the least practical visual effect on the environment as possible as determined by the Planning Board. Any tower that is not subject to FAA marking as set forth above shall otherwise:

[1] Have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.

[2] Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with normal surroundings.

[3] Equipment or vehicles not used in direct support, renovations, additions, or repair of any telecommunication facility shall not be stored or parked on the facility site.

[4] **Screening.** Deciduous or evergreen tree planting shall be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public or private property, including streets, at least one row of native evergreen shrubs or trees forming a continuous hedge at least ten (10) feet in height at the time of planting to effectively screen the tower base, accessory facilities, and access drive shall be provided. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of the berm.

6. Access and Parking

a. Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for any telecommunication facility must meet with guidelines set by the Town of Victory Highway Department.

b. Parking areas shall be sufficient to accommodate the usual number of service vehicles expected on the premises at any one time. Adequate space off of public

highways shall be provided (not necessarily in parking areas) to accommodate the greatest number of service vehicles expected on the premises, at any one time.

c. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out into a public thoroughfare.

7. Security

a. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) feet in height, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of chain link fence to discourage unauthorized access to the site. The Planning Board may waive the requirement of fencing if, in its discretion, it determines that other forms of security are adequate, or that, by reason of location or occupancy, security will not be significantly compromised by the omission of fencing.

b. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeter has been entered.

c. There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.

d. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

e. There shall be a security alarm system which is linked to either a local caretaker or a local police agency.

8. Engineering and Maintenance

a. Site Plans for all telecommunication facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated, and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).

b. Every facility shall be inspected at least every fifth year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be

submitted to the Code Enforcement Officer. Any unsafe condition revealed by such report shall be corrected within ten (10) days of notification of same to the record landowner on which the facility is constructed. The time period for correction may, on application of the landowner or owner of the facility, be extended by the Planning Board if it is impracticable to complete the correction within said ten days, and if there is no imminent danger to life, limb, or other person's property. If the unsafe condition is not corrected within the applicable time period, or if the required inspection is not provided to the town, the special use permit for construction of the facility may, after a hearing by the Town Planning Board on at least ten (10) days prior notice to the owner of record given by certified mail, return receipt requested, or other equally effective manner of providing notice, be revoked by such board. Revocation may occur only if the Planning Board finds either that the required inspection has not been provided or that there is an unsafe condition that poses a risk to bodily injury or significant property damage. Upon such revocation, the facility shall be removed or dismantled to the point of removing all unsafe conditions.

9. Removal

- a. At the time of submittal of the application for a special use permit for a telecommunication facility, the applicant shall submit an agreement to remove, within 90 days, all antennas, driveways, structures, buildings, equipment sheds, lighting utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a telecommunication facility if such facility becomes obsolete or ceases to perform its originally intended function for more than six (6) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.
- b. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunication facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than forty thousand dollars (\$40,000).
- c. At times of modification of the special use permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the telecommunication facility and property restoration.

F. Junkyard

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, Junkyards are subject to the following provisions:

TOWN OF VICTORY ZONING LAW

1. No junk storage area shall be located within:

- a. One hundred (100) feet of any adjoining property line;
- b. One thousand (1,000) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering;
- c. One thousand (1,000) feet of any stream, lake, pond, DEC and Federal wetland, or other body of water;
- d. One hundred (100) feet from the right-of-way of any public highway.

2. Fencing. There must be erected and maintained an eight (8) foot high fence enclosing the entire junkyard and a locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others.

3. Screening. Where a junkyard is or would be visible from a public street or from neighboring properties, the fence provided in Section 8.05-F (2) shall be of wood or other opaque materials sufficient to screen the junkyard from view.

4. Burning. No materials shall be burned in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 215).

5. Burying. No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 360).

6. Approved Junkyard Items. No junkyard items shall be stored in any junk storage area other than those items specified on a Special Use Permit approved by the Planning Board pursuant to this Law.

7. Revocation of Special Use Permit. The Town Board may revoke a junkyard Special Use Permit upon reasonable cause should the applicant fail to comply with any provision of this Law. Before a permit may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing, the Town Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the Special Use Permit. Should the Town Board decide to revoke a Special Use Permit, the reasons for such revocation shall be stated in the public hearing

minutes. The permit holder shall be immediately notified of the revocation by certified mail.

G. Solar Power Facility, Large-Scale (greater than 4,000 square feet)

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, Large-Scale Solar Power Facilities are subject to the following provisions:

1. Roof-top and building-mounted solar collectors. Building permits shall be required for installation of roof-top and building-mounted solar collectors.

2. Ground-mounted and freestanding solar collectors. Ground-mounted and freestanding solar collectors are subject to the following requirements:

a. Design Standards.

[1] **Setback.** The minimum setback from all property lines shall be of 85 feet.

[2] **Height.** The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.

[3] **Screening.** Based on site-specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving and/or enhancing natural vegetation, and providing landscape screening to abutting properties and roads, but should not result in shading solar power facilities.

[4] **Glare.** Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings and adjacent properties and roads.

[5] **Fencing.** All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six (6) foot high fence with a self-locking gate and provided with landscape screening. Barbed wire shall not be utilized.

[6] **Signage.** A sign not to exceed eight (8) square feet shall be displayed on or near the main access point and shall list the facility name, owner, and twenty-four-hour emergency contact phone number.

b. In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, the following information is required to be submitted as part of the site plan application:

[1] Utility notification. Submission of documentation from the utility company that operates the electrical grid where the installation is to be located acknowledging the solar power facility will be connected to the grid. Off-grid facilities shall be exempt from this requirement.

[2] Safety. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the appropriate Fire Chief.

[3] Decommissioning Plan.

[a] In the event the solar power facility is not completed and functioning within 18 months of the issuance of the initial building permit, the Town may notify the operator and/or owner to complete construction and installation of the facility within 180 days of the date of notification. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan.

[b] If a solar power facility ceases to perform its originally intended function for more than 12 consecutive months, the owner and/or operator shall implement the decommissioning plan, to include, but not limited to:

- i. Removal of aboveground and below-ground equipment, structures, and foundations.
- ii. Restoration of the surface grade and soil after removal of equipment.
- iii. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
- iv. A timeframe for the completion of site restoration work.

[c] If the owner and/or operator fail to fully implement the decommissioning plan within 180 days, then in addition to other remedies provided by this section or chapter, by New York Town Law § 268, or by law or equity, the Town may utilize the following procedure to remove a solar power facility and/or implement a decommissioning plan:

TOWN OF VICTORY ZONING LAW

i. The Code Enforcement Officer may order removal of such solar power facility and/or implementation of the decommissioning plan by written notice to the owner or person, company, or other entity having control of the facility, or to the owner of the lot on which such facility is located. The notice shall set forth a deadline by which such removal and/or plan implementation must be completed. Said notice shall further advise that, should the violator fail to so act within the established deadline, the removal and/or plan implementation may be performed by a designated governmental agency or a contractor, with the expense thereof to be charged to the violator and/or to become a lien against the premises.

ii. If the solar power facility is not removed and/or the actions in the decommissioning plan are not completed within the period set forth in the Town's notice or Town Board's decision after any appeal thereof pursuant to Subsection 8.05-G (2) (b) [3] [c] [iv] below, the Town may enter the premises to remove the facility, cause the removal to be performed, and/or implement the decommissioning plan. The Town's entry onto such premises shall be pursuant to an agreement between the Town and landowner. If no agreement exists or can be obtained in a timely manner, the Town may seek a warrant from a court of competent jurisdiction for access to the premises and/or may seek a court order requiring or authorizing all actions reasonably necessary to remove the facility and/or implement the decommissioning plan, with the costs of such actions the sole responsibility of the violator.

iii. The Town shall present the landowner with a bill for all costs and expenses incurred by the Town in connection with the solar power facility removal and/or decommissioning plan implementation. If the landowner shall fail to pay such costs and expenses within fifteen (15) days after the demand for same, or within thirty (30) days of the final decision on any administrative or judicial contest the landowner may pursue, then such unpaid costs, expenses, and interest (at the statutory interest rate for money judgments in New York State courts) incurred from the date of the system removal and/or completion of the decommissioning plan shall constitute a lien upon the land on which such removal was undertaken. A legal action or proceeding may be brought to collect such costs, expenses, interest, and recoverable attorney's fees, or to foreclose such lien. As an alternative to the maintenance of any such action, the Town may file a certificate with the Cayuga County Department of Assessment stating the costs and expenses incurred and interest accruing as

TOWN OF VICTORY ZONING LAW

aforesaid, together with a statement identifying the property and landowner. The Cayuga County Department of Assessment shall, in the preparation of the next assessment roll, assess such unpaid costs, expenses, and interest upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by the law for collection and enforcement of real property taxes in the Town of Victory. The assessment of such costs, expenses, and interest shall be effective even if the property would otherwise be exempt from real estate taxation.

iv. Appeals of notices and Town bills. Any person receiving a notice to remove a solar power facility and/or implement a decommissioning plan, or a bill for Town costs and expenses, may appeal to the Town Board by, within fifteen (15) days of receipt of such notice or bill, delivering to the Town Clerk at the Town offices an appeal requesting a reconsideration and administrative hearing before the Town Board. Such appeal shall state the basis for the request for reconsideration and shall be accompanied by any supporting materials. Failure to serve such an appeal within fifteen (15) days shall be deemed a waiver of any claim or defense that the notice or bill is not justified, and the violator shall comply with the requirements of the notice or pay the bill. If the appeal is timely filed, the Town Board shall, within forty (40) days of the filing, hold a hearing and, based upon any relevant materials presented by the Town and the appellant, shall issue a resolution deciding the appeal within thirty (30) days after the hearing. Such resolution shall be filed with the Town Clerk, who shall arrange for delivery of a copy of the decision to the appellant within five (5) days after such filing, at the address for such person designated in the appeal or at such other addresses as the appellant may thereafter designate in writing to the Town Clerk. The Town Board's decision after the hearing shall constitute a final agency action.

[d] At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Solar Power Facility and property restoration, with the Town of Victory as the assignee, in an amount approved by the Town, but not less than sixty thousand dollars (\$60,000).

H. Wind Power Facility, Large-Scale (greater than 100 kilowatts capacity)

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, Large-Scale Wind Power Facilities are subject to the following provisions:

1. Application. In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, special use permit applications for Wind Power Facilities shall be accompanied by:

- a. Scale elevations and/or photographs of the proposed wind power facility showing total height, tower height, rotor diameter, and color;
- b. Specifications for the foundation and/or anchor design, including location and anchoring of any guy wires;
- c. An explanation as to whether or not the applicant intends to interconnect the wind power facility with any existing electrical distribution or transmission system;
- d. An analysis of the visual impact on the project, especially with respect to the scenic qualities of the area landscape.
- e. An analysis of the potential for noise, both at the site of the installation and the boundary of the property containing the tower;
- f. A State Environmental Quality Review form must be completed by the applicant to assist the Planning Board in determining any environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, or other issues identified by the Town.
- g. Decommissioning Plan.

[1] At the time of the application submission for a special use permit for a Wind Power Facility, the applicant must also submit an agreement for removal and reclamation, for such a time when the Wind Power Facility becomes technologically obsolete or ceases to perform its originally intended function for more than six (6) consecutive months. Unless otherwise stated by the Planning Board, the agreement shall include:

- [a] A plan for reclamation of roads and other disturbances;
- [b] A plan to notify adjacent land owners of the removal;
- [c] Containment of hazardous materials;

[d] Site security; and

[e] Time line indicating when reclamation/decommissioning will commence after the Wind Power Facility ceases power conversion.

[f] Removal and reclamation plan for driveways, structures, buildings, equipment, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use as a Wind Power Facility. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to seeding of exposed lands.

[2] At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the Wind Power Facility and property restoration, with the Town of Victory as the assignee, in an amount approved by the Town, but not less than sixty thousand dollars (\$60,000) per windmill tower.

2. Design Standards

a. Setbacks. Wind Power Facilities shall be set back not less than the total height of the tower from:

[1] Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

[2] Any permanent structures;

[3] Any overhead utility lines, unless written permission is granted by the affected utility;

[4] Any property lines, unless written permission is granted from the affected land owner or neighbor.

b. Height. No tower shall exceed a height of two hundred and fifty (250) feet.

c. Within wind energy clusters, the distance between each wind energy conversion system shall be three times the length of the longest blade.

d. Security.

TOWN OF VICTORY ZONING LAW

[1] No ladder or permanent tower access device shall be located less than twelve (12) feet from grade level;

[2] A locked device shall be installed on the tower to preclude access to the top of the tower;

[3] Storage building/shed shall be locked.

e. Unless otherwise required by the Town, Wind Power Facilities shall be finished in a non-reflective matte finish and in a color which minimizes obtrusive impact.

f. No lettering or advertising shall appear on the towers or blades.

3. All towers must comply with Federal Aviation Administration regulations.

I. Industrial Uses (uses #58 – 60, 62, and 63 in Section 6.06)

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, industrial uses are subject to the following provisions:

1. The minimum land area shall consist of three (3) contiguous acres;

2. All industries shall have a buffer strip along the side and rear property lines. Such buffer strips shall be at least twenty-five (25) feet in depth and consist of interlocking trees and foliage acceptable to the Town Planning Board. The maintenance of the buffer strips shall be the continuing obligation of the industry;

3. No industrial structures or area for the storage of materials or equipment shall be located closer than twenty-five (25) feet from the street right-of-way or other property line;

4. A minimum frontage of two hundred fifty (250) feet shall be required;

5. A minimum of one (1) parking space shall be required for each employee, per shift;

6. The Planning Board may, when it deems necessary and pertinent to a full understanding of the scope and nature of a particular proposal, require information regarding the production, emission, or transmission of dust, smoke, refuse, odor, gas, fumes, noise, vibration, or similar substance or condition into the general neighborhood.

J. Mining and Extraction of Resources

TOWN OF VICTORY ZONING LAW

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, uses involving the mining and/or extraction of resources are subject to the following provisions:

1. A New York State Department of Environmental Conservation Permit is required where applicable;
2. Evidence must be submitted that the site is served by an adequate highway transportation network suitable to the carrying of the unique traffic to be generated by the proposed operation.
3. At no time shall any sand, gravel, quarry, mining, or excavation operation permitted herein be conducted within one hundred (100) feet of any property line or boundary line of any street or roadway. If adjacent properties are used for similar purposes this requirement may be waived by written consent of the property owners.
4. At no time shall any sand, gravel, quarry, mining, or excavation operation permitted herein be conducted within one thousand (1,000) feet of any structure if the structure is not owned by excavating operator.
5. Access roads at all points, including but not limited to the main entrance and exit, shall be at least one thousand (1,000) feet from any existing residence or public building.
6. A structural barrier shall be provided to secure the site to achieve public safety. This barrier shall consist of a continuous seven (7) foot berm along the side, front, and back property lines with no opening except necessary gates for egress and ingress along the front property line. All gates shall be closed and locked at all times, except during working hours of such operation or when employees shall be within.
7. Hours of operation will be 7 a.m. to 5 p.m. Monday through Friday. Saturday operation will be limited to residential deliveries between the hours of 8 a.m. and 4 p.m. There will be no operating permitted on Sunday or on legally declared holidays.
8. A dust-preventative layer shall be spread on traveled roadways at all operations where required to protect the public and the countryside against windblown sand and dust. All loads shall be covered with no part of the load visible for dust control.
9. Annual review of the site reclamation plan to confirm implementation of the plan as each section is mined and ensures reclamation requirements are followed as specified in the mined land reclamation permits issued by the New York State Department of Environmental Conservation.

K. Mass Gathering (assemblies of greater than 1,000 people)

In addition to the procedures and requirements of Site Plan Review as detailed in Article IX, mass gatherings are subject to the following provisions:

1. Written application for a permit for such outdoor public entertainment, amusement, or assembly of more than 1,000 persons in the aggregate within the Town of Victory shall be made to the Planning Board, and said application must be submitted in three (3) copies to the Town Clerk, ninety (90) days or more prior to the first day upon which such outdoor public entertainment, amusement, or assembly is to be held.

2. Application for such permit shall include the following:

a. General Information. A narrative including the following:

[1] A statement of the name, age, and residence address of the applicant. If the applicant is a corporation, state the names and addresses of all the corporate officers. If the applicant is a partnership, state the names and addresses of all partners.

[2] A statement containing the name and address of the owner(s) of the properties upon which the event is to occur.

[3] The proposed dates and hours during which the event is to be conducted.

[4] The anticipated maximum number of persons and number of automobiles and other vehicles intended to use the property at one time and collectively.

b. Circulation. Plans detailing proposed circulation including but not limited to:

[1] A statement specifying the plans for parking facilities off public roadways that are able to serve all reasonable anticipated vehicles at a rate of up to 150 passenger cars per acre or 50 buses per acre.

[2] A statement from the County Sheriff, State Police, New York State Department of Transportation, or other law enforcement agency certifying that the traffic control plan is satisfactory.

[3] A plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping non-ticket holders out of the area.

[4] A detailed plan for the use of signs to locate all facilities and roadways.

c. Health. Plans detailing the following:

- [1] The proposed location and distribution system for water supply.
- [2] The proposed location of sewage facilities, drainage, toilet and lavatory facilities, and refuse storage.
- [3] A detailed plan fully describing the method and means of collection and disposal of all refuse.
- [4] A detailed plan showing the facilities for the preparation, storage, sale, and distribution of food and means of servicing such areas.

d. Safety and Security. Plans detailing the following:

- [1] A statement from local fire authorities having jurisdiction over the area verifying that they are aware of the event and are willing to cooperate if needed.
- [2] A detailed plan for emergency situations including: medical supplies, facilities and personnel, an evacuation program, and emergency access roads.
- [3] A statement specifying whether any private security guards or police will be engaged, together with plans for security enforcement.

e. Noise and Lighting. Plans detailing the following:

- [1] A statement containing the type, number, and location of any radar device, sound amplifier, loudspeaker, sound truck, or other similar equipment.
- [2] Plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 85 decibels on the "A" scale of a sound level meter which meets the specifications of the American National Standards Institute.
- [3] Detailed plans for lighting designed to illuminate the areas of the site.

f. Additional Agency Approvals. Where applicable, written approval from the Cayuga County Health Department and the Emergency Management Office shall be submitted prior to Planning Board rendering a decision.

g. Insurance and Bond.

TOWN OF VICTORY ZONING LAW

[1] The applicant shall provide liability and property damage insurance in a recognized insurance company licensed to do business in the State of New York in an amount not less than five million dollar (\$5,000,000.00) to cover the Town of Victory against any risks or hazards in any way arising out of the proposed event, together with a hold harmless agreement to the Town of Victory for any loss or damage above and beyond insurance coverage.

[2] The applicant shall submit such bonds as the Town of Victory may require to ensure that the conditions of the permit are complied with and that all damage or other costs associated with the event are adequately provided for by the applicant.

3. Additional Requirements for a Mass Gathering Permit.

- a. A separate permit shall be required for each mass gathering. No mass gathering shall be allowed to continue for a period of more than three (3) days without a new permit being issued.
- b. A permit may be revoked by the Town Board, the Code Enforcement Officer, the Cayuga County Health Department, or the State Commissioner of Health, if any of them find that the mass gathering for which the permit was issued is maintained, operated, or occupied in violation of this law.
- c. A permit issued for the operation of a mass gathering shall be posted or kept on file and made available by the operator on request of any person.
- d. No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the Town with written authorization to permit the Town or its lawful agents to go upon the property at any time for the purpose of inspecting the same, the facilities provided thereon, and the cleaning of the premises after the termination of the assembly.

4. Violation and Penalty.

- a. Failure to comply with any provisions of these regulations and/or failure to comply with the terms and conditions of any special use permit issued pursuant to these regulations shall be deemed a violation and shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) and/or imprisonment not to exceed fifteen (15) days.
- b. An action or proceeding in the name of the Town of Victory may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provisions of these regulations and/or any permit

issued pursuant to these regulations. Such remedy shall be in addition to penalties otherwise prescribed by law.

ARTICLE IX: SITE PLAN REVIEW AND APPROVAL

Section 9.01 – Purpose and Intent

The purpose of this article is to ensure compliance with the objectives of this Zoning Law in protecting and conserving the value of property and promoting the health, safety, and general welfare of the community. Site Plan Review is intended to determine compliance with the objectives of these Regulations where inappropriate development may cause a conflict between uses in the same or adjoining Zoning District by creating conditions which would adversely affect the public health, safety, or general welfare.

Section 9.02 – Applicability

Prior to the submission of an application for a Special Use Permit as listed in Section 6.06, the Planning Board shall require the applicant to prepare and submit a Site Plan.

Section 9.03 – Procedures for Site Plan Review and Approval

A. Sketch Plan. A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal Site Plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine the information to be required on the Site Plan. In order to accomplish these objectives, the applicant should provide the following:

1. A statement and rough sketch showing the locations and dimensions of principle and accessory structures, parking areas, existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
2. A sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements, and other pertinent features; and
3. A topographic or contour map of the site at no more than five-foot intervals.

B. Application for Site Plan Review. An application for Site Plan Review shall be made in writing to the chairman of the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

1. Site Plan Checklist:

- a. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b. North arrow, graphic scale, and date;
- c. Boundaries of the property plotted to scale;
- d. Site topography at no more than five-foot contour intervals.
- e. Existing watercourses;
- f. Grading and drainage plan, showing existing and proposed contours;
- g. Location, design, and type of construction; proposed use, and exterior dimensions of all buildings;
- h. Location, design, and type of construction of all parking and truck loading areas, showing access and egress;
- i. Provisions for pedestrian access;
- j. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, and fences;
- k. Description of the method of sewage disposal and location, design, and construction materials of such facilities;
- l. Description of the method of securing public water and location, design, and construction materials of such facilities;
- m. Location of fire and other emergency zones, including the location of fire hydrants;

TOWN OF VICTORY ZONING LAW

- n. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, solar, and wind energy;
- o. Location, size, design, and construction materials of all proposed signs;
- p. Location and proposed development of all buffer areas, including existing vegetative cover;
- q. Location and design of outdoor lighting facilities, including type, height, brightness, and a photometric plan that shows typical foot-candle contours within all property lines;
- r. A landscaping plan, including existing vegetative cover, location of proposed buffer areas, proposed planting types, and planting schedule;
- s. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- t. An agricultural data statement if the proposed use is located on or within 500 feet of a farm operation in Cayuga County Agricultural District #5;
- u. An estimated project construction schedule;
- v. A record of application for and approval status of all necessary permits from state and county officials;
- w. Identification of any state or county permits required for the projects execution; and
- x. Other elements integral to the proposed development as considered necessary by the Planning Board. The Planning Board shall take into consideration any other special or unique circumstances or conditions that may exist on the site, including but not limited to unique animal habitats, water features, woodlots, hedgerows, prime agricultural soils, soil erodibility, and steep slopes.

C. Review of Site Plan. The Planning Board’s review of the Site Plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, design, aesthetics, and general site compatibility of buildings, lighting, and signs;
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls;

TOWN OF VICTORY ZONING LAW

3. Location, arrangement, appearance, and sufficiency of off-street parking and loading;
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience;
5. Adequacy of storm water and drainage facilities;
6. Adequacy of water supply and sewage disposal facilities;
7. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's property and adjoining lands, including the maximum retention of existing vegetation;
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion;
10. Size, location, arrangement, and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide suitable screening and buffering, and to provide required recreational areas;
11. Protection of adjacent or neighboring properties against noise glare, unsightliness, or other similar nuisances;
12. Conformance with the Town of Victory Comprehensive Plan and other planning documents; and
13. Results of SEQRA findings.

D. Waiver of Procedure. The Planning Board is authorized to waive, when reasonable, any requirement or improvement for the approval of Site Plans submitted for review in accordance with Town Law. The Planning Board may exercise this waiver authority only when the requirements in question are found not to be a requisite in the interest of public health, safety, and general welfare. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement with the application and supporting documents. Even then, any waiver is subject to appropriate conditions imposed by the Planning Board in its reasonable discretion, as well as all requirements

stated elsewhere in the Zoning Code, including but limited to Article VII: Special Use Permits.

E. Public Hearing and Planning Board Action on Site Plan.

1. Within sixty-two (62) days of the receipt of a completed application for Site Plan Review, the Planning Board shall conduct a public hearing.
2. Notice of hearing. The Planning Board shall mail notice of said hearing to the applicant at least ten (10) days prior to said hearing and shall publish a notice in the official paper at least five (5) days prior to the date fixed for public hearing.
3. The Planning Board shall make a decision of the application within sixty-two (62) days after such hearing, and said decision will be filed within five (5) days with the Town Clerk, and within five (5) days mail such decision to the applicant with a copy to the Code Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.
4. The Planning Board shall refer the project to the County Planning Board at least ten (10) days before hearing under the provisions of Section 239-l, m, & n of the NYS General Municipal Law.
5. Upon approval of a Site Plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final Site Plan and shall forward a copy to the applicant, Code Enforcement Officer, and file same with the Town Clerk.
6. Upon disapproval of a Site Plan, the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny a Zoning/Building Permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.
7. Reimbursable Costs. Reasonable and necessary costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed Site Plan shall be charged to the applicant.
8. Performance Guarantee. No Certificate of Occupancy shall be issued until all improvements shown on the Site Plan are installed or an appropriate financial surety, such as a certified check, irrevocable bank letter of credit, or certificate of deposit has been posted for improvements not yet completed. The sufficiency of such financial surety shall be determined by the Town Board after consultations with the Planning Board, Code Enforcement Officer, Town Attorney, and other appropriate parties.

9. Inspection and Improvements. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

Section 9.04 - Appeal to Court

Any person or persons, jointly or severally aggrieved by a decision of the Planning Board or any officer, department, board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the board in the office of the Town Clerk.

Section 9.05 – Fees

Application for Site Plan Review shall be accompanied by a payment to the Town in accordance with a fee schedule adopted by resolution of the Town. Site Plan Review fees are non-refundable.

ARTICLE X: OFF-STREET PARKING AND LOADING

Section 10.01 – Requirements for Off-Street Parking and Loading Spaces

The following off-street parking provisions constitute the minimum space required for the following uses hereafter erected, converted, or otherwise established in all districts.

A. Size. All parking facilities provided under this Article shall be located off the public right-of-way and shall contain an area of at least two hundred (200) square feet per automobile parking space exclusive of access ways, aisles, and turn around space.

B. Driveways and parking areas for nonresidential uses shall include, within the property lines, turning areas so constructed that a vehicle entering or leaving the property is not required to back onto the street.

C. Parking Requirements for Specific Uses.

1. Single-Family Detached Dwelling, Two-Family Dwelling, and Individual Manufactured/Mobile Home: Two (2) off-street parking spaces for each dwelling unit.

2. Multiple-Family Dwelling and Manufactured/Mobile Home in Manufactured Home Community: Two (2) off-street parking spaces for each dwelling unit.

3. Motel, Hotel: One (1) off-street parking space for each rental room or suite, plus one (1) additional space for each full-time employee on the premises at one time.

4. Eating and Drinking Establishments: One (1) parking space for each fifty (50) square feet of floor area devoted to customer uses, plus one (1) additional space for each full-time employee on the premises at one time.

5. Church, Library, and Fire Station: One (1) parking space for every four (4) seats provided for patrons, customers, members, or guests, plus one (1) additional space for each full-time employee on the premises at one time.

a. Where places of public assembly provide bench seating, each two (2) linear feet of bench equals one (1) seat.

b. Where no fixed seats are used, each fifty (50) square feet of floor area shall equal one (1) seat.

6. Retail and Office Uses: One (1) parking space for each one hundred (100) square feet of gross floor area.

7. Institutions (uses #17-21 in Section 6.06): One (1) off-street parking space for each patient or resident bed (excluding bassinets), plus one (1) space for each full-time employee on the premises at one time. However, hospitals, sanitariums, or convalescent homes primarily providing long-term custodian care for patients need not provide more than one (1) space for each four (4) hospital beds, plus one (1) space for each full-time employee on the premises at one time.

8. Home Occupation: Two (2) parking spaces in addition to the requirements for the dwelling.

9. Farm Stand, Nursery, and Greenhouse: One (1) parking space for each one hundred (100) square feet of area occupied by the stand, but a minimum of three (3) such spaces.

D. Loading and Unloading Space. Off-street loading and unloading space, sufficient to accommodate the maximum demand generated by the use of the lot, shall be provided on any lot which a building for commercial use is hereafter erected or substantially altered. All off-street loading and unloading space shall have an all-weather surface to provide safe and convenient access during all seasons.

ARTICLE XI: SIGNAGE

Section 11.01 – General Sign Regulations

The following regulations shall apply to all signs except: customary POSTED signs, building permit signs, temporary announcement signs.

- A. No sign in any district may extend over a sidewalk or other public way.
- B. No sign in any district, unless attached to a building, shall be located within twenty-five (25) feet of a public right-of-way.
- C. No sign in any district shall be located within ten (10) feet of any side property line.
- D. Building permits shall be required for all signs ten (10) square feet or larger in area, which shall be regarded as structures within the meaning of these Regulations.
- E. Advertising displayed or projected upon any structure shall be regarded as a sign subject to these Regulations.
- F. No sign attached to a building in any district shall project above the roofline or above the height of the wall upon which it is attached.
- G. No freestanding signs shall be higher than twenty-five (25) feet above grade.
- H. No illuminated sign or outdoor illumination shall be erected or used so that light will directly reflect toward residences on adjoining lots, toward residential districts within one thousand (1,000) feet or toward a public right-of-way so as to create a traffic hazard.
- I. Off Premises Signs that remunerate the lot owner shall be considered a commercial activity and require a Special Use Permit. (See Article XIII)
- J. All political signs must be removed 3 days after the election.

Section 11.02 – Sign Regulations in the Agricultural/Residential District

In the Agricultural/Residential District, no sign shall be erected or used except:

- A. A professional or announcement sign no more than two (2) square feet in area on each face, which may be illuminated on one (1) or two (2) faces but shall not be flashing, revolving, animated, or otherwise in motion.
- B. A non-illuminated temporary advertising sign, not more than twelve (12) square feet in area, for the sale or rental of the property on which it is located. On a corner lot, two (2) such signs, one (1) facing each street, are permitted.
- C. A non-illuminated advertising sign, not more than thirty-two (32) square feet in area, for the sale of products grown or produced on the premises. On a corner lot, two (2) such signs, one (1) facing each street, are permitted.
- D. Signs appropriate to a public or quasi-public building or necessary to legal process.
- E. Identification signs for residential subdivisions not exceeding thirty-two (32) square feet when approved by the Planning Board as a part of a subdivision approval.

Section 11.03 – Sign Regulations in Hamlet and Highway Districts

In the Hamlet and Highway Districts, no sign shall be erected or used except:

- A. Those permitted in the Agricultural/Residential District.
- B. Not more than three (3) signs, which may be illuminated on one (1) or two (2) faces but shall not be flashing, revolving, animated, or otherwise in motion, having a total area not greater than ten percent (10%) of the area of the building façade facing the street and in no instance greater than one hundred (100) square feet. These signs shall be limited to advertising a business conducted on the premises.
- C. Advertising or display signs for shopping centers or multi-use sites designed in accordance with an integrated sign plan approved by the Planning Board pursuant to Articles VIII and IX.

ARTICLE XII: LANDSCAPING, SCREENING, AND BUFFERING

Section 12.01 – Purpose and Intent

The following standards are intended to implement the goals and policies of the Comprehensive Plan by assuring an acceptable extent of buffering between land uses, particularly between residential and non-residential uses, providing a balance between developed uses and open space, enhancing the visual and aesthetic appearance of the community, and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

- Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands;
- Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas; Provide natural buffers that reduce glare and noise;
- Provide wildlife corridors and protect wildlife habitats, wetlands, stream corridors, and other significant environmental features;
- Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces, and creating natural wind breaks; and
- Enhance the overall visual quality of the community by surrounding developed areas with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

Section 12.02 – General Requirements

A. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices.

B. All plant material adjacent to parking areas, loading areas, and driveways shall be protected by barriers, curbs, or other means by damage from vehicles or from storm water runoff.

C. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least 5 feet in height at time of planting.

Section 12.03 – Landscaping Plan

Based on the scale and location of the project, the Planning Board shall determine whether the landscaping plan must be prepared by a professional such as a licensed landscape architect or landscape designer. All landscaping plans shall contain the following information:

TOWN OF VICTORY ZONING LAW

- A.** A title block with the name of the project, the name of the person preparing the plan, a scale, north arrow, and date;
- B.** All existing significant plant material on site;
- C.** Existing and proposed structures;
- D.** Topographical contours at two-foot intervals;
- E.** Parking areas;
- F.** Access aisles;
- G.** Drainage patterns;
- H.** Location, size, and description of all landscaping materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be removed;
- I.** Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first twelve (12) months after planting, and a performance guarantee shall be posted for assuring replacement in kind of plants which die or become diseased within that time; and
- J.** Other information as may be required by the Planning Board.

ARTICLE XIII: NONCONFORMITIES

Section 13.01 – Continuation

The lawful use of any structure or land existing at the effective time of this Local Law may be continued although such use does not conform with the provisions of this Law except as otherwise provided in this Article.

Section 13.02 – Alteration or Extension

A. A use of land or structure which does not conform to the Regulations herein shall not be altered, reconstructed, extended, or enlarged, except in accordance with the following provisions:

1. Such alteration or extension shall be permitted only upon the same lot as in existence at the date the use became nonconforming.
2. No increase in volume, area, or extent of the nonconforming use shall exceed an aggregate of more than fifty (50) percent during the life of the nonconformity. For purposes of this section, “volume” does not mean volume of business but rather an increase of cubic volume within a structure.

B. A structure which does not conform to the regulations of the Law may be altered, reconstructed, or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became a nonconformity, provided that if the use or structure also falls under Section 13.02-A above any change shall be subject to the provisions of that section.

Section 13.03 – Restoration

A structure damaged by fire or other causes may be reconstructed, repaired, or used for the same nonconforming use subject to the following provisions:

- A. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided by Section 13.02.
- B. Reconstruction shall begin with six (6) months from the date of damage and shall be carried on without interruption.

Section 13.04 – Abandonment

Whenever a nonconforming use has been discontinued for one (1) full year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Law.

Section 13.05 – Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use under the following conditions:

- A. Such change shall be permitted only by Special Use Permit, under the provisions of Article VIII.
- B. The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where such nonconforming use is located.
- C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
 - 1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
 - 2. Noise, smoke, dust, noxious matter, heat glare, and vibration.
 - 3. Storage and waste disposal.
 - 4. Appearance.

Section 13.06 – Displacement

No nonconforming use shall be extended to displace a conforming use.

Section 13.07 – District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

Section 13.08 – Zoning Permit Required

Zoning Permits shall be issued by the Code Enforcement Officer for all lawful nonconforming uses existing at the effective date of this Law. The Zoning Permit shall include a statement that the use is nonconforming and shall list the specific conditions under which said use may continue. The Zoning Permit shall be signed by both the Zoning Officer and the property owner.

ARTICLE XIV: AMENDMENTS OF LAND USE REGULATIONS

Section 14.01 – Amendments

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board or the Zoning Board of Appeals, amend, supplement, or repeal the regulations and provisions of the Town of Victory Zoning Law and Subdivision Regulations after public notice and hearing.

Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notices to be given as follows:

A. By publishing a notice of the time and place of the hearing at least ten (10) days prior to the date of such hearing in a paper of general circulation in the Town;

B. A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, as such area is shown on an approved Zoning Map filed with the Code Enforcement Officer, shall be given to the housing authority erecting or owning the project and of the government providing financial aid of assistance thereto at least ten (1) days prior to the date of such hearing;

C. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any state park or parkway shall be given in the regional State Park Commission having jurisdiction over such state park or parkway at least ten (10) days prior to the date of such public hearing;

D. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any city, village, town, or county, shall be given to the clerk of such municipality and to the Clerk of the County Legislature at least ten (10) days prior to the date of such hearing;

E. In cases, however, of a protest against such change signed by owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet there from or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by favorable vote of at least four (4) members of the Town Board.

Section 14.02 – Zoning Referral to Cayuga County Planning Board

As required under New York State General Municipal Law, certain variances, Special Use Permits, and amendments shall be referred to the County Planning Board for review and recommendations.

Section 14.03 – Severability

It is hereby declared to be the legislative intent that:

A. Should the courts declare any provision herein to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Law shall continue to be separately and fully effective.

B. Should the courts find the application of any provision or provisions herein to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situation shall not be affected.

Section 14.04 – Repealed

The following local laws and all supplements and amendments thereto, are hereby repealed:

- *Town of Victory Subdivision Regulations* adopted December 1993.
- Local Law #2 adopted December 10, 2001: *Town Zoning Law*.
- Local Law #1 adopted April 12, 2004: *Telecommunication Facilities*.
- Local Law #1 adopted December 12, 2009: *Zoning & Planning Board Appointments*.
- Local Law #1 adopted November 14, 2011: *Planning Board Members Decrease*.
- Local Law #1 adopted July 9, 2012: *NECCC Planned Development District*.
- Local Law #3 adopted October 13, 2014: *Change to Zoning Map*.
- Local Law #1 adopted July 11, 2016: *A Local Law Providing for the Regulation of Electric Vehicle Supply Equipment*.

TOWN OF VICTORY ZONING LAW

Provided, if the present Town of Victory Zoning Law & Subdivision Regulations are held to be invalid or ineffective by reason of some irregularity in, or impediment to, its passage, this repealer shall also be ineffective. It is the legislative intention that if the present enactment shall be ineffective as aforesaid, then and in that event the Law entitled "Town Zoning Law" and et al together with its supplements and amendments would necessarily remain in full force and effect.

ARTICLE XV: SUBDIVISION REGULATIONS

Section 15.01 – Purpose and Intent

These regulations have been enacted for the purpose of providing for the future growth and development of the Town of Victory in accordance with the Comprehensive Plan, and to ensure that the division or consolidation of parcels of land adequately provide for the safety, health, and welfare of its population.

Section 15.02 – Definitions

Subdivision: The division of any parcel of land into any number of lots, blocks, or sites with or without streets, for the purpose of sale, transfer of ownership, or development. The term “subdivision” shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously filed in the office of the County Clerk. The term “subdivision” shall not include the sale, transfer, or development of land for agricultural purposes, open space, or conservation.

Major Subdivision: Any subdivision of a parent parcel of land into five (5) or more lots, or a subdivision of any number of lots to be serviced by new public roads or other new public infrastructure.

Minor Subdivision: Any subdivision of a parent parcel of land into less than five (5) lots, unless such lots are to be serviced by new public roads or other new public infrastructure.

Preliminary Plat: A drawing prepared in accordance with Section 15.05 parts (a) and (c) of these regulations showing the layout of the subdivision including the layout and dimensions of roads and lots, topography and drainage, existing and proposed public or private infrastructure.

Preliminary Plat Approval: The approval of the layout as shown on the preliminary plat, but subject to the approval of the plat in final form.

Final Plat: A drawing prepared in accordance with Section 15.05 parts (b) and (c) of these regulations showing all information shown on the preliminary plat and the modification of such information as was required by the Planning Board at the time it approved the preliminary plat if it in fact did approve said preliminary plat.

Section 15.03 – General Procedures

A. Final Plats Required. Only plats submitted in final form may be approved by the Planning Board. However, in order to provide an applicant with an opportunity to discuss his or her development concept with the Planning Board and to make plan preparation as cost efficient as possible, these regulations offer the option of submitting a Subdivision Application and/or a Preliminary Plat to the Planning Board prior to submitting a Final Plat.

B. Subdivision Application.

1. The applicant may choose to submit a "Subdivision Application", available from the Town Offices, prior to preparing a Final Plat. (See Appendix H)
2. The applicant shall complete the form and return it to the Town Offices.
3. At the first Planning Board meeting following the receipt of an Application Form, the Planning Board will review it and discuss the development concept with the applicant. Following this review and discussion the Planning Board shall make the following determinations:
 - a. The proposal shall be classified as either a Major or Minor Subdivision;
 - b. A preliminary determination regarding potential environmental issues shall be made.
4. If the Planning Board determines that the proposal is a Minor Subdivision, that no environmental issues are evident, and that the proposal is consistent with the development and growth plans of the Town, it may waive these regulations. Such a determination shall be based upon the following findings:
 - a. The proposal presents no apparent impediments to the continuation of viable agricultural activity when the proposal is located within a portion of the Town included in an Agricultural District established under New York State Agriculture and Markets law;
 - b. The proposal would establish lots that comply with the minimal dimensional standards of the Town Zoning Law for the activity and location intended;
 - c. The proposal would establish lots that make efficient use of land by avoiding lot layouts that are excessively long and narrow, minimize the number of access points (driveways) to the public road network, and minimize the need to alter the physical and natural features of the site. A lot layout which proposes lots with a ratio between length and width greater than 2.5 to 1 will generally be found to be

inefficient, except in the case of a flag lot where this ratio would only be applied to the buildable portion of the lot.

5. Should the Planning Board find circumstances that prevent granting a Minor Subdivision a waiver of these regulations, the applicant shall follow the procedures for the review of a Major Subdivision. There is no authority for the Planning Board to either approve or disapprove the proposal at this stage. The Planning Board is merely authorized to determine that the particular Minor Subdivision proposal under review presents no planning issues and, therefore, waive the applicability of these regulations.

C. Preliminary Plat. The applicant may choose to submit a Preliminary Plat prior to submitting a Final Plat for Planning Board approval. The purpose of this step is to provide the applicant with a means by which they can obtain an indication from the Planning Board as to any elements of the proposal that may prevent its approval or require its modification prior to the submission of a Final Plat.

D. Final Plat. The applicant must submit a Final Plat in order to obtain Planning Board approval for a subdivision.

E. Procedures Outline. (See Appendix I)

1. All Subdivisions.

a. Pre-application Discussion with Planning/Zoning Clerk. Prior to applying for a subdivision, the applicant shall discuss the basic process with the Planning/Zoning Clerk, and schedule a Sketch Plan Conference with the Planning Board.

b. Sketch Plan Conference. Prior to the submission of a formal application for subdivision approval, the applicant may meet with the Planning Board for a Sketch Plan Conference. This meeting is intended to assist the applicant in the planning and preparation of the Preliminary of Final Plat. The applicant shall provide a sketch of the proposed subdivision drawn on a topographical map of the land involved. It shall show in simple sketch form the relationship between the existing physical conditions and the proposed lot layout. The Planning Board will advise the applicant on the following:

[1] The potential classification as a lot line adjustment, minor subdivision, or major subdivision;

[2] Compliance with the lot dimensional requirements found in Article V;

[3] The potential need for a variance from the Zoning Board of Appeals;

TOWN OF VICTORY ZONING LAW

[4] The requirements of the State Environmental Quality Review Act (SEQRA);

[5] The possible involvement of other government agencies in the review process;

[6] The determination of the presence of wetlands or floodplains;

[7] The need for referral to the County Planning Board pursuant to General Municipal Law Section 239-l, m, and n;

[8] The potential for a waiver of requirements.

c. Initial Plat Review. The purpose of this meeting between the applicant and the Planning Board is for the Planning Board to determine that the application is complete in accordance with the Town of Victory Land Use Regulations and there are no significant environmental impacts.

[1] The applicant shall submit the application and fees to the Town Clerk at least fifteen (15) days prior to the Planning Board meeting at which the subdivision is to be reviewed.

[2] This application shall contain all items as required in Section 15.05, including one (1) paper copy of the Preliminary Plat and the completed Environmental Assessment Forms, as required by SEQRA. The official submission date of the application will be the date the Planning Board determines the application is complete.

[3] The application shall be considered complete only when all the information required in Section 15.05 has been provided and either a negative environmental declaration has been filed or a notice of completion of a draft Environmental Impact Statement has been filed in accordance with the provisions of 6NYCRR Part 617.

d. Referral to County Planning. The Planning Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-l, m, and n to the Cayuga County Planning Board. If the county does not respond within thirty (30) days from the time it received a full statement on the referred matter, the Planning Board may act without such report.

e. Mandatory Public Hearing. Within sixty-two (62) days of the submission of the completed application, and assuming a negative environmental declaration (or

within sixty-two days of the receipt of a final Environmental Impact Statement in the case of a positive environmental declaration) the Planning Board shall hold a public hearing.

[1] In the case of Minor Subdivision, the applicant shall bring five (5) paper maps and one (1) Mylar of the Final Plat, marked "Final Plat."

[2] In the case of Major Subdivision, the applicant shall bring five (5) paper maps of the Preliminary Plat, marked "Preliminary Plat."

[3] Any revisions requested at the initial plat review shall be incorporated into the maps presented at this hearing.

[4] At least five (5) days prior to the public hearing, a notice thereof shall be published at least once in the newspaper of general circulation in the Town and certified notification mailed to owners of all adjacent properties of the proposed subdivision. This public hearing may also fulfill the SEQRA hearing requirements. The hearing shall be closed within one hundred twenty (120) days after it is opened.

f. Planning Board Action. Within sixty-two (62) days of the close of the hearing, the Planning Board shall approve, conditionally approve, or disapprove the application. The time in which the Planning Board must take action may be extended by mutual consent of the applicant and the Planning Board. A copy of the resolution granting conditional of final approval shall be filed with the Town Clerk and mailed to the applicant within five (5) days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board.

g. Conditional Approval. Conditional approval may be granted contingent upon applicant's submission of additional information required by the Planning Board. Once the requirements are completed, final approval will be granted. The requirements must be completed within one hundred eighty (180) days of filing the conditional approval, or the conditional approval is considered null and void.

h. Filing of the Final Plat. The applicant must file the Final Plat for lot line adjustment or minor subdivision in the Office of the Cayuga County Clerk within sixty-two (62) days of final approval. Should the Final Plat not be filed or filed in excess of sixty-two (62) days, the subdivision or lot line adjustment will be considered null and void; all fees are non-refundable.

2. Major Subdivision Final Plats.

a. Final Plat Review. The purpose of this meeting with the applicant is for the Planning Board to determine that all of the requirements or modifications have been met for Final Plat approval. Approval of a Preliminary Plat for a Major Subdivision shall not constitute approval of the Final Plat. The applicant must submit the Final Plat to the Planning Board at least fifteen (15) days prior to the scheduled Final Plat review meeting. The Final Plat shall consist of five (5) paper copies and one (1) Mylar marked "Final Plat."

b. Final Plat Approval. All major subdivisions shall require Final Plat approval by the Planning Board. The applicant has six (6) months from approval of the Preliminary Plat to submit the Final Plat to the Planning Board, or the Planning Board may revoke the Preliminary Plat approval.

c. Public Hearing. An additional public hearing may be waived by the Planning Board if the Final Plat is consistent with the Preliminary Plat. However, if there have been substantial modifications, a new public hearing shall be held within sixty-two (62) days of the official submission date of the Final Plat and a new determination of significance under SEQRA must be made by the Planning Board. The hearing shall be advertised at least once in the official newspaper five (5) days before the date of the hearing. The hearing shall be closed within one hundred twenty (120) days after it is opened.

d. Action on Final Plat. The Planning Board shall by resolution approve, conditionally approve, or disapproved the Final Plat within sixty-two (62) days of the close of the public hearing. If no public hearing is held on the Final Plat, the Planning Board shall act within sixty-two (62) days of the Final Plat submission date. The time in which the Planning Board must take action may be extended by mutual consent of the applicant and the Planning Board. A copy of the resolution granting conditional or final approval shall be filed with the Planning Board, the Town Clerk, and mailed to the applicant within five (5) days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board. If the matter was referred to the County Planning Board, a report of the final action shall be filed in their office within thirty (30) days of the final action.

e. Conditional Approval. Conditional approval may be granted contingent upon applicant's submission of additional information required by the Planning Board. Once the requirements are completed and accepted by the Planning Board, final approval will be granted. Conditional approval shall expire one hundred eighty (180) days after the date of the resolution is granted.

f. Filing of the Final Plat. The applicant shall file the Final Plat in the Office of the Cayuga County Clerk within sixty-two (62) days of the final approval. Should the

Final Plat not be filed or filed in excess of sixty-two (62) days, the Major Subdivision will be considered null and void; all fees are non-refundable.

F. Other Procedural Issues.

1. The constraints set forth in this Article may be modified by mutual agreement between the applicant and the Planning Board. Absent such agreement, failure of the Planning Board to act within the designated time frame shall result in a default approval of the proposal and, in such case, the Town Clerk shall certify the proposal.
2. The Planning Board may approve a plat in sections.
3. All submissions must be clearly identified as being an application, Preliminary Plat, or Final Plat.

Section 15.04 – Requisites for Approval

A. Prior to granting approval of a subdivision, at any stage in the review process the Planning Board shall determine that the plat as presented shows that the land depicted thereon is of a character that would allow it to be used for building purposes without danger to health or peril from fire, flood, drainage, or other menace or cause such danger to neighboring properties or the general public health, safety, and welfare.

B. In addition to the general determination made in accordance with Section 15.04 (A), the Planning Board shall reach the following specific determinations prior to granting approval of a proposed plat at any stage in the review process.

1. Streets and highways will be of sufficient width and suitable grade and suitably located to: accommodate prospective traffic; facilitate fire protection and provide access for firefighting equipment to buildings; afford adequate light and air; and are consistent with the objectives of any applicable town plans or official maps.
2. Suitable monuments have been placed at block corners and at any other necessary points identified by the Planning Board.
3. Streets or other public places shown have been suitably graded and paved. Street signs, sidewalks, street lights, curbs, gutters, street trees, water mains, fire alarm signal devices and hydrants, sanitary sewers, and storm drainage management facilities, to the extent such are required by the Planning Board or proposed by the applicant and approved by the Planning Board, have been installed in accordance with the standards, specifications, and procedures of the Town agency having jurisdiction over such facilities. As an alternative to installation prior to approval of the plat, the applicant

TOWN OF VICTORY ZONING LAW

may post a performance bond or other security or request a conditional approval in accordance with Section 15.06 of these regulations.

4. Any required improvements are appropriate for the prospective character of the development. Character includes, for example, high or low density residential, business, or industrial use.

5. The proposed lots meet the dimensional requirements of the Town Zoning Law. Should one or more lots fail to meet said requirements, the applicant may request an area variance from the Zoning Board of Appeals without having first applied to the Code Enforcement Officer for a building permit. The Zoning Board of Appeals shall apply its usual standards and criteria for granting or denying such a request, however, it shall also request a written recommendation from the Planning Board regarding the request.

6. The proposal is consistent with the planning objectives of the Town, as specified in the Town of Victory Comprehensive Plan.

C. Any improvement required by this regulation may be waived by the Planning Board subject to appropriate conditions when the Planning Board finds that such improvement is not requisite to protecting the public health, safety, and general welfare or inappropriate due to inadequacy or lack of connecting facilities adjacent to or near the subdivision under review.

Section 15.05 – Plat Requirements

A. A Preliminary Plat shall be at a scale not more than 100 feet to the inch and show the following information:

1. Proposed subdivision name or identifying title.
2. North arrow, scale, and date.
3. Name of the owner(s) of the property.
4. Name and seal of the registered engineer, surveyor, or architect responsible for the plat.
5. Tract boundaries with bearings and distances.

TOWN OF VICTORY ZONING LAW

6. Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.

7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.

8. All existing watercourses, tree masses, and other significant natural features.

9. All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width.

10. All existing property lines, easements, and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

11. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use. Proposed streets shall be named by the mayor and trustees.

12. Wherever practicable, the Preliminary Plat shall show the names of owners of all abutting non-platted land and the names of all abutting subdivisions.

13. Landscape architect or developer shall prepare a landscape plan showing at least three (3) trees measuring one-and-one-half caliper and a height of six (6) feet. All trees shall be identified in a planting plan and diagram and must be native hardwood trees of mixed species.

B. A Final Plat shall be at a scale not more than 100 feet to the inch, be a clear and legible white print or an ink drawing suitable for filing in the office of the County Clerk, be on sheets 20 inches by 20 inches overall and show the following information:

1. Subdivision name or identifying title.

2. North arrow, scale, and date.

3. Name of the record owner and subdivider.

4. Name and seal of the registered professional engineer, architect, or surveyor responsible for the Plat.

5. Boundaries of the tract.

TOWN OF VICTORY ZONING LAW

6. Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
7. Sufficient data to determine readily the location, bearing, and length of every street, lot, and boundary line and to reproduce such lines on the ground.
8. The length of all straight lines, radii, lengths of curves, and tangent bearings for each street.
9. All dimensions and angles or bearings of the lines of each lot and each area proposed to be dedicated to public use.
10. The proposed building setback line for each street.
11. Location and width of private driveways emanating from corner lots.
12. All dimensions shall be shown in feet and in hundredths of a foot.
13. Lot numbers.
14. Names of streets within and adjacent to the subdivision.
15. Permanent reference monuments.
16. Names of any adjoining subdivisions.
17. Names of the owners of any unplatted land.
18. Certificate of dedications of streets and other public property.
19. Certificate for approval by the Planning Board.

C. Attached to the Final Plat and, if appropriate, the Preliminary Plat, shall be the following:

1. An affidavit that the applicant is the subdivider of the land proposed to be subdivided.
2. Certification by the Town Board that the installation of water, sewer, and street facilities is both practical and feasible.
3. Certification by the State Department of Health and/or County Department of Health when individual sewage disposal or water systems are adequate.

4. Certification by the Town Board that the subdivider has met the requirements of Section 13.05.
5. Protective covenants, if any, in form for recording.
6. The developer shall post bond to cover the cost of public improvements.
7. The developer shall present a Certificate of Liability Insurance to protect the Town with coverage of at least one million dollars (\$1,000,000.00). The insurance shall be of such duration until the project is completed and the public improvements are accepted by the Town. A copy of the insurance policy shall remain at all times at the Town Clerk's office.
8. The developer must provide evidence of Title Insurance in the amount of not less than the cost of lands to be dedicated as shown and approved on the Final Plat.

Section 15.06 – Performance Bond or Other Security

A. To assure the Town that the construction and installation of such improvements as storm sewers, public water supply, road signs, sidewalks, and roads will be constructed, the applicant shall enter into the following agreement with the Town:

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to Final Plat approval; or the applicant may:
2. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Town Attorney; or
3. Deposit a certified check in sufficient amount equal to the cost of construction based on the above estimate.

B. Conditions.

1. If the applicant elects to furnish a security pursuant to Section 15.06 (A), before the Final Plat is approved, the applicant shall have executed a contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements.

TOWN OF VICTORY ZONING LAW

2. The performance bond or certified check shall be to the Town of Victory and the contract shall provide that the applicant, their heirs, successors, and assigns, their agents or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

3. Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner or execution, and surety.

4. Wherever a certified check is made, the same shall be made payable to the Town of Victory.

C. Extension of Time.

1. The construction or installation of any improvements or facilities for which guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the Final Plat.

2. Road improvements shall be completed within two (2) years from the date of approval of the bond or certified check.

3. The applicant may request an extension of time, provided they can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit as necessary to construct the improvements.

4. This section shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

D. Schedule of Improvements.

1. When a certified check or performance bond is made pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation.

2. Ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following completion, inspection, and acceptance by the

Town of all construction and installation covered by the check deposit or performance bond as outlined in the applicant contract.

E. Inspections.

1. Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer to ensure conformity with the approved plans and specifications as contained in the applicant's contract and these regulations.
2. The applicant shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection.
3. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or the applicant's representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified check deposit as designated in the applicant's contract to cover the cost of such completed work.

F. Phases. When a plat is proposed to be approved in phases and the Planning Board has agreed to such a procedure, this Section shall apply to the portion of the plat to be filed in the office of the County Clerk. No building shall be permitted within any portion of a plat not so filed. No building shall be permitted in a portion of a plat filed until the required improvements have been made to that portion or alternative arrangements have been made to assure that such improvements are installed.

Section 15.07 – Required Improvements

A. Streets (width, location, and construction).

1. All streets, whether intended for dedication as public streets or not, shall be of sufficient width, suitably located, and adequately constructed to accommodate prospective traffic and afford access for firefighting, snow removal, and road maintenance equipment. Streets shall be located so as to compose a convenient overall street system within the proposed subdivision and in relationship to the overall area or neighborhood.
2. All street, whether or not intended for dedication as public streets, shall be located within a right-of-way of at least 60 feet in width. Unless exceptional circumstances can be demonstrated, the center of a street shall be located at the center of the right-of-way within which it is located.

3. All streets intended for dedication as public streets, and all non-residential streets, shall be constructed in accordance with the most current specifications of the Town Highway Superintendent and shall only be eligible for dedication upon determination by the Town Highway Superintendent that said specifications were employed.

4. When deemed appropriate, the Planning Board may permit a subdivision to be served by a private residential street. In such cases, any plans filed or offerings made to sell the lot(s) served by such private street shall clearly label the street as: "private, not eligible for dedication to the Town as a public street", and contain an explanation as to the manner by which the private street shall be maintained and kept free of snow or other blockage.

5. The width of a residential street may vary depending upon the number of dwelling units served by the street, the number of other streets feeding traffic onto it, the width of lots abutting the street, and the design speed of the street. This section applies only to residential streets and any street not meeting the definitions below shall be deemed a non-residential street. The following definitions, chart, and explanatory material shall be used to determine a particular street width.

a. Definitions.

[1] Average Daily Traffic: The number of vehicles specified as the average traffic using a stretch of road during a twenty-four (24) hour period, either as specified by the New York State Department of Transportation or a count provided by a professional engineer; or the average traffic generated by a land use as specified by studies of comparable uses conducted by competent professionals.

[2] Average Lot Frontage: The average front width of lots measured at the street line. This figure shall be calculated separately for each street section, the end points of which shall be a street intersection. This term is applicable only in the case of single-family detached units.

[3] Average Lot Size: Shall be calculated by adding the lot sizes of all lots having direct (or indirect) access to each street section (the end point of which shall be a street intersection) and dividing this total by the number of lots.

b. Street Types.

[1] Residential Streets. Residential Streets primarily function to provide to residential uses. All residential streets are intended to accommodate relatively low traffic volumes at slow speeds in order to minimize the basic incompatibility of vehicles and the pedestrians and children who characterize

TOWN OF VICTORY ZONING LAW

residential neighborhoods. There are five different classes of residential streets created by this regulation. Depending on the type and density of development served by the streets, they are subcategorized as follows:

[a] Lane: A residential street or cul-de-sac which serves a maximum of six (6) dwelling units and has an average daily traffic of fewer than forty-nine (49) vehicles.

[b] Court: A residential street which provides access for individual units. A court serves fewer than fifteen (15) dwelling units or has an average daily traffic of fewer than one hundred and thirteen (113) vehicles (whichever is less). Its design speed is ten (10) miles per hour. Courts may be cul-de-sacs, loops, or small cross streets in a block system.

[c] Ways: A way is a residential which provides access to individual dwelling units. It serves fifteen (15) to thirty (30) dwelling units or has an average daily traffic of between one hundred and fourteen (114) and two hundred and forty-two (242) vehicles (whichever is less). The design speed of a way is fifteen (15) miles per hour. Ways may be cul-de-sacs, loops, or minor cross streets.

[d] Minor Street: A minor street serves to collect traffic from courts or ways as well as to give access to individual dwelling units. A minor street serves from thirty-one (31) to one hundred and fifteen (115) dwelling units or has an average daily traffic volume ranging from two hundred and forty-three (243) to nine hundred and twenty-six (926) vehicles (whichever is less).

[e] Major Residential Street: A major residential street provides access to minor streets, ways, and courts, and serves from one hundred and fifteen (115) to one hundred and sixty (160) dwelling units or has an average daily traffic count from nine hundred and twenty-seven (927) to twelve hundred and eighteen (1,128) vehicles.

[2] Rules for determining number of dwelling units served by residential streets. The following rules and procedures shall be applied in order to determine the number of dwelling units served by a street. This number shall then be used to determine the residential street subtype and, therefore, the standards which shall be applied.

[a] A street segment is the length of a street between intersections or between points which define a change in street configuration (e.g., the length of a street which is one-way is a segment separate from the part of

TOWN OF VICTORY ZONING LAW

that same street which is two-way). Separate calculations shall be made for each street segment.

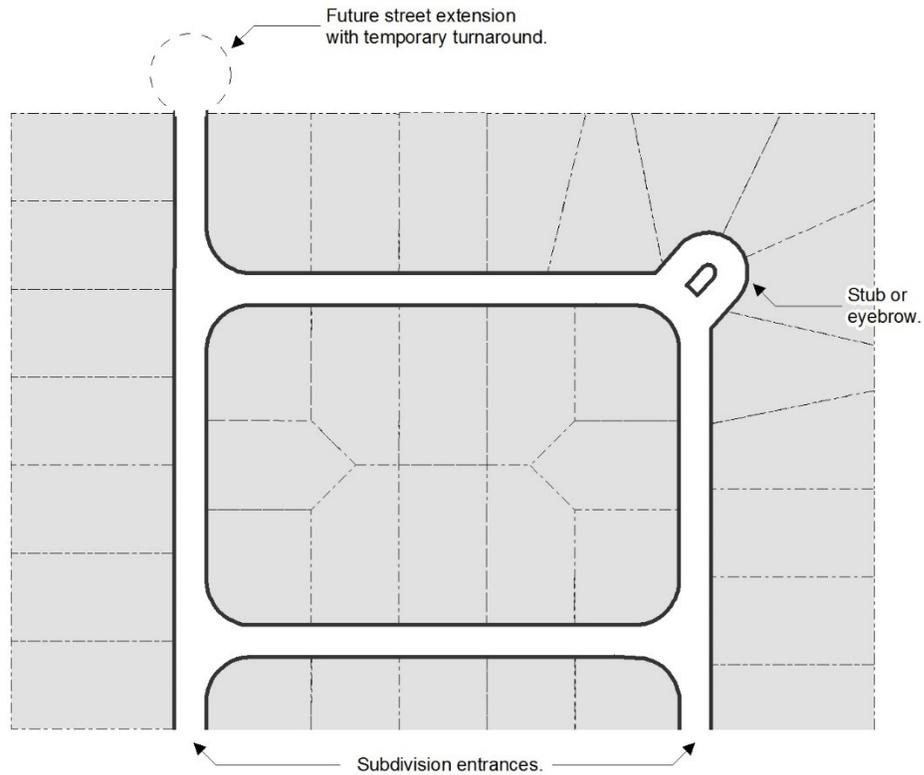
[b] The number of dwelling units served by a street segment includes all units having frontage on that street segment and all units which have frontage on other segments of that street or other streets which contributed to the traffic volume of that segment.

[c] When more than one route of access is available to a dwelling unit, that unit shall be counted as served by the street segments most likely to provide the access point for that unit. In order to determine this, either of the following methods may be used: (1) a direction-preference analysis shall be conducted to determine directional preference for trips, or (2) the development shall be divided into trip areas based on the shortest exit route.

6. To the extent feasible, based upon the geography of the site, provision shall be made for the extension of roads to adjoining areas at future dates. When a proposed street is continued to the edge of a presently undeveloped area, a temporary turnaround shall be provided. (See Figure #1 below)

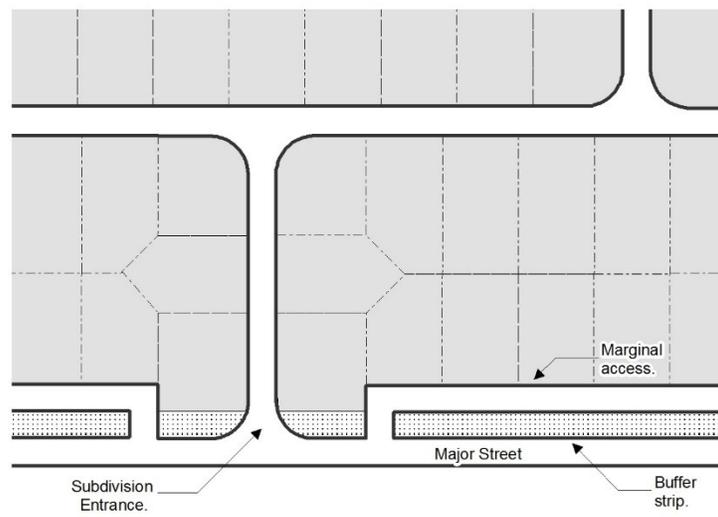
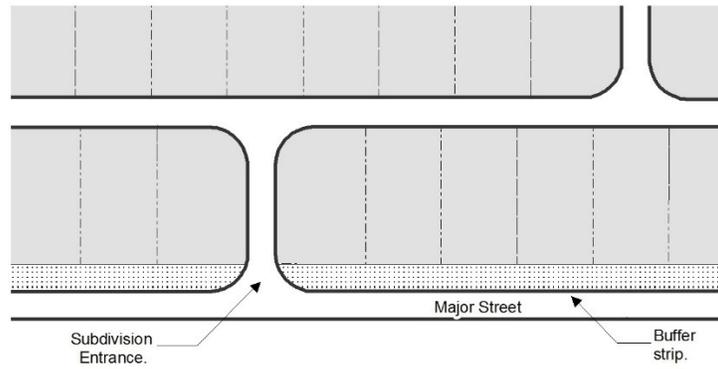
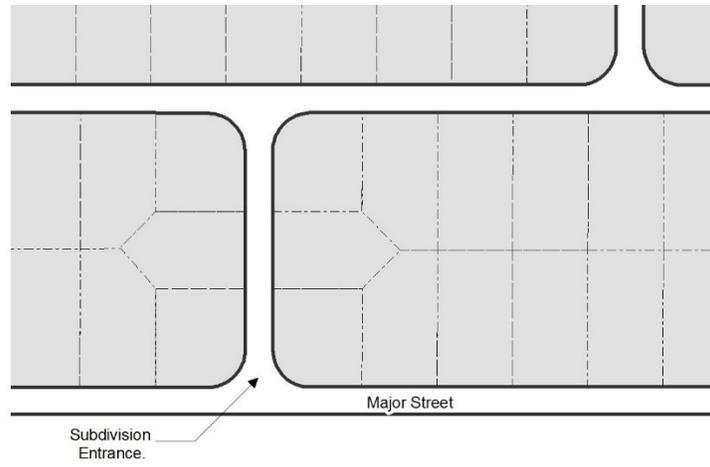
7. Unless there is an existing or proposed street to be extended, it shall generally be undesirable to terminate a street at a property line. When this creates a problem in providing access to corner lots, a stub street or "eyebrow" may be used or other techniques employed. (See Figure #1 below)

TOWN OF VICTORY ZONING LAW

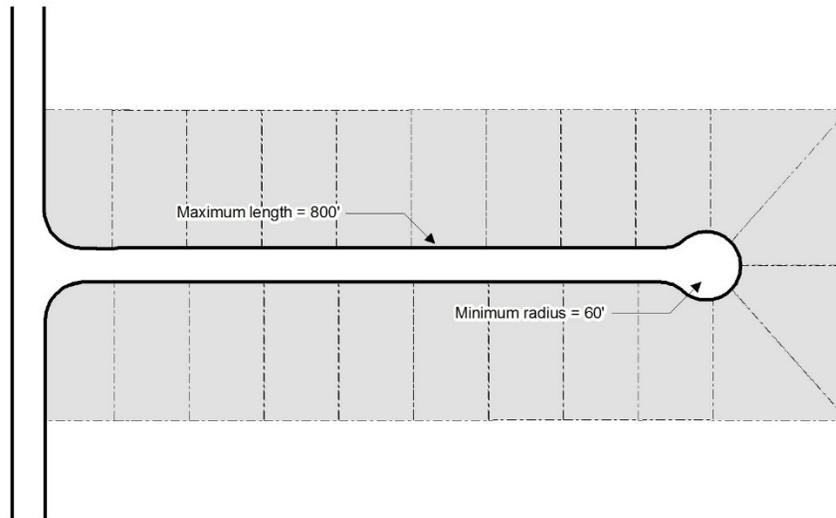


8. When a subdivision abuts New York State Route 370 or New York State Route 38, special measures may be required by the Planning Board to minimize traffic impact on these major arterials. Such measures may include requiring a marginal access road, requiring reverse frontage lots with screen planting and no vehicular access, limiting points of access, or other means of preventing excessive private vehicle access to the arterials. (See Figures #2, 3, and 4 below)

TOWN OF VICTORY ZONING LAW



9. Cul-de-sac or dead-end streets may be employed where appropriate to the geography of the area and density of development. When permitted, unless other standards are set by the general standards for roads issued by the Highway Superintendent, a cul-de-sac shall have a paved turn-around area at its point of termination with a right-of-way radius of sixty (60) feet. A dead-end street when permitted shall have a hammer head at its point of termination sufficient to permit a vehicle to reverse direction in three (3) maneuvers. A dead-end street or cul-de-sac street shall not exceed eight hundred (800) feet in length. (See Figure #5 below)



10. Taken as a whole, the streets within a proposed subdivision shall form a system of blocks. No single block shall be less than four hundred (400) feet nor greater than twelve hundred (1,200) feet in length.

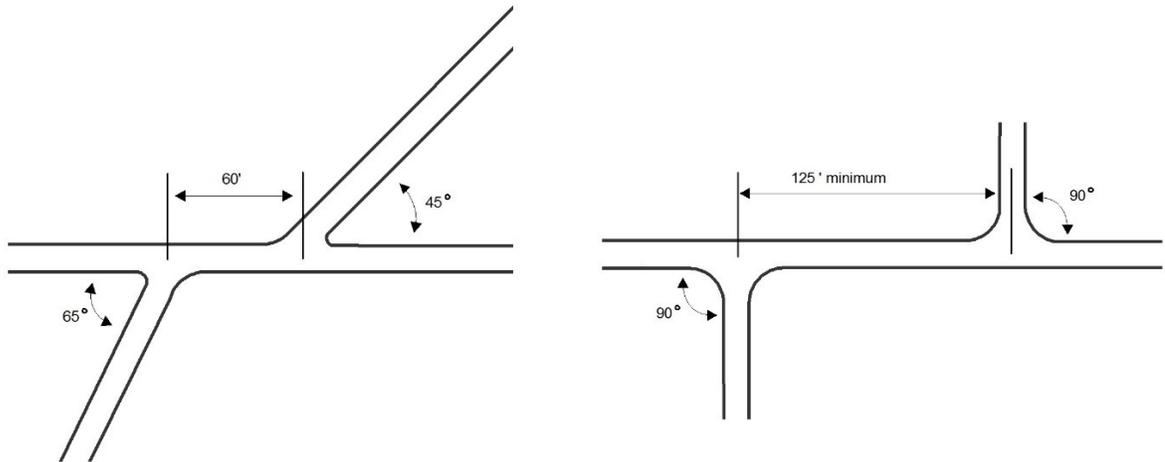
11. In order to provide for traffic visibility, a combination of steep grades and curves shall be avoided.

12. All intersections shall be rounded and curbed with Belgian block or comparable material. The curve radius shall be at least twenty (20) feet. Where curbing is not required for the entire subdivision by the Highway Superintendent, it shall be provided at intersections and such curbing shall extend at least twenty (20) feet from the terminus of the curve tapering to ground level at the end of the twenty (20) foot section.

13. Street shall intersect at right angles and not acute angles. Centerlines of street intersections shall be offset far enough to deter traffic cutting diagonally across them.

TOWN OF VICTORY ZONING LAW

Intersections shall be located on straight sections of streets rather than slopes. Four-way intersections shall be avoided except at the crossing of major streets where traffic signals are or will be installed. (See Figures #6 and 7 below)



14. Street names shall be included on the final plat and approved by the Planning Board. Names shall be substantially different from those in the Town or in other towns near the subdivision. Generally, no street shall change direction by more than 90 degrees without a name change.

B. Utilities.

1. Where available, all subdivisions shall include public water and public sewer service. Lines for these services and any other public utilities serving the subdivision shall be installed underground and within the street right-of-way between the street and property lines. Connections to the property line of each lot shall be installed by the developer prior to street surfacing.

2. Fire hydrants and street lighting shall be installed by the developer in accordance with the standards of the Town. Fire hydrants shall meet the requirements of the fire department having jurisdiction. Street lights shall meet the requirements of the electrical utility having jurisdiction.

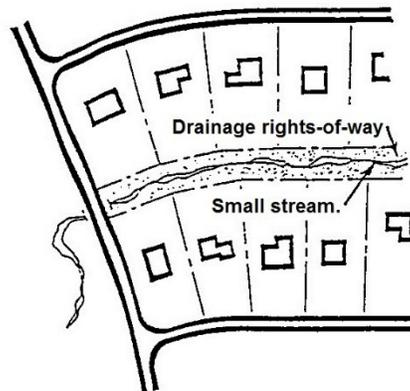
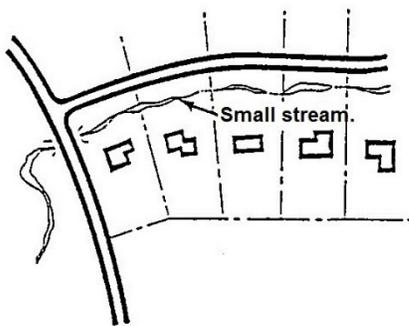
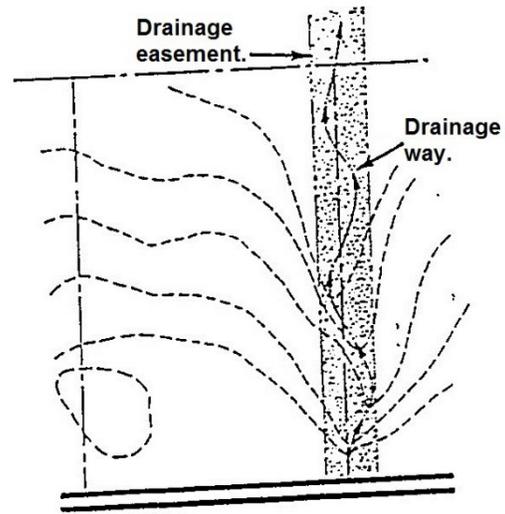
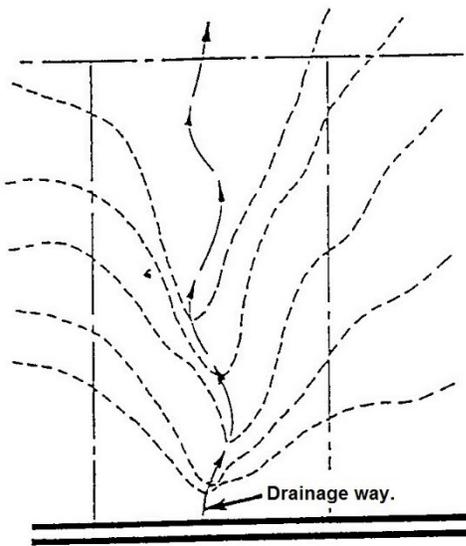
C. Watercourses (including flood prone areas and wetlands).

1. An effort should be made to avoid locating lots so that they can only be accessed by crossing a watercourse. Where this cannot be avoided and a watercourse separates a

TOWN OF VICTORY ZONING LAW

proposed street from abutting property, provision shall be made to access lots by means of culverts or other structures designed by a licensed engineer and approved by the Town. Where a watercourse, drainage way, channel, or stream traverses the subdivision, a stormwater easement or drainage right-of-way shall be provided of not less than twenty (20) feet in width.

2. Lots shall be laid out so as to locate areas included in a stormwater or drainage easement along property lines. While easements are not required for flood prone areas or protected wetland areas, areas designated on FEMA Flood Insurance Maps as prone to flooding and areas identified by State or Federal authorities as protected wetlands shall generally be located along property lines. (See Figures #9, 10, 11, and 12 below)



3. Where a lot includes a flood prone area, wetland, or stormwater or drainage easement, the approved plat shall clearly identify such portions of the lot as unbuildable. If necessary, the size of such a lot shall be increased so as to provide sufficient area for construction.

D. Drainage.

1. All subdivision proposals shall demonstrate by narrative and drawings that the proposed project when complete will not result in a greater quantity or rate of stormwater runoff (drainage) from the site than occurred prior to development, nor change the quality of such runoff. Where actions such as the construction of structures, retention ponds, detention ponds, or other devices must be taken by the developer in order to achieve this standard, such actions shall be shown on the preliminary plat and incorporated into the final plat as a permanent element of the project. A separate drainage management plan may be submitted by the developer, or required by the Planning Board as part of the subdivision proposal.

2. All subdivision proposals shall demonstrate by narrative and drawings that during the construction phase, appropriate methods will be employed to control erosion. Generally acceptable methods will be those recommended in the most current edition of "New York Guidelines for Urban Erosion and Sediment Control" published by the Soil and Water Conservation Service.

3. The means employed to control drainage shall be designed to provide the greatest community benefit while achieving the primary objective of storm drainage control. Such measures may include protecting open space, increasing recreational opportunities, enhancing landscaping, or similar activities.

4. On sites that include lands with slopes greater than 35%, the plat shall clearly indicate that areas with a 35% or greater slope are unsuitable for building. (See Appendix J)

5. In order to evaluate the adequacy of proposed drainage control measures, the developer shall provide the Planning Board with the following information:

a. Volume of storm runoff and peak discharge rates under pre-development and post-development conditions (with proposed management practices);

b. Pre-development and post-development calculations for the runoff generated by 1, 2, 10, and 100 year storms and a 24 hour storm independently. The standard

TR20 or TR55 methodologies developed by the USDA Soil Conservation Service shall be employed in making these calculations.

- c. Presentation of the above required discharge and volume estimates in both tabular and hydrographic form;
- d. If appropriate, the Planning Board may require a comparison of pollutant loading, by a generally accepted methodology, under pre-development and post-development conditions (assuming no treatment measures).

E. Preservation of Natural and Aesthetic Elements.

1. Whenever possible, all natural features that add to the value and appearance of the residential setting or contribute to the rural character of the Town shall be preserved. Such elements include, but are not limited to, large trees or groves, watercourses, historic spots, vistas, stone walls, etc.
2. No tree with a diameter of eight (8) inches or more as measured three (3) feet above the base shall be removed except within a street right-of-way without Planning Board approval. All such trees shall be shown on the preliminary plat and it shall be indicated which, if any, are to be removed.
3. In the event that trees are removed or not found upon the site, the Planning Board may require that one tree per lot be planted by the developer in accordance with a plan to be submitted by a licensed landscape architect or qualified nursery.
4. When a significant natural feature(s) is identified, such shall be shown on the plat and the plat shall clearly indicate that such an area is not to be built upon so as to preserve the feature(s).

F. Lot Layout.

1. Generally, lots shall have dimensions that allow compliance with the dimensional standards of the Town Zoning Law. For this reason, corner lots shall generally be larger than interior lots in order to accommodate the frontage requirements of the Zoning Law applicable to corner lots.
2. Side lot lines shall generally be at right angles to straight street lines and radial to curved street lines. Exceptions may be allowed when it is demonstrated to the satisfaction of the Planning Board that an overall better design is achieved by an alternative. (See Figure #13 below)

3. Driveway grades between the street and the setback line of a lot shall not exceed 10%.

Section 15.08 – Cluster Development

A. Cluster development shall mean, as a condition of approval of a subdivision plat, applicable zoning provisions are modified so as to allow all of the development that could occur on a particular parcel of land to occur only upon only a portion of that parcel. It is a practice of low impact development that groups residential properties in a proposed subdivision closer together in order to utilize the rest of the land for open space, recreation, agriculture, or preservation.

B. In no case may the total number of lots or dwelling units that could be permitted on a the particular parcel by the general application of the minimum lot size and density standards of local zoning be exceeded by the application of cluster development standards.

C. In conjunction with approval of a subdivision plat, the Planning Board may modify provisions of the zoning law, except those related to use, so as to achieve flexibility of design and development so as to promote the most appropriate use of land, facilitate the adequate and efficient provision of streets and utilities, and preserve natural and scenic qualities. The Planning Board may exercise this authority in all areas of the Town.

D. The judgement of the Planning Board shall be the sole determinant of the maximum number of lots, dwellings, or other structures that may be established on a particular parcel by the general application of the Zoning Law, and the decision to apply cluster development is left solely to the discretion of the Planning Board. Such decision shall be based upon a determination that the procedure would benefit the Town at large.

E. Should the plat include lands that are in two (2) or more zoning districts with different density and/or lot size requirements, the Planning Board may approve in any one such district a cluster development representing the cumulative density as derived from the sum of all units allowed in all involved districts.

F. Within a cluster development, units to be permitted may be detached, semi-detached, or attached and density shall be determined by the number of units, not the number of buildings.

G. Should land suitable for park, open space, recreational, or other municipal purposes directly related to the subdivision being considered as a cluster development be identified, the Planning Board may establish conditions regarding ownership, use, and maintenance to ensure the preservation of such lands for the intended purpose. Such conditions shall be approved by the Town Board.

H. All provisions of the cluster development shall be subject to review at a public hearing in accordance with the procedures applicable to the approval of subdivision plats.

I. Once approved and filed with the County Clerk, a copy of the approved and filed plat shall be filed with the Town Clerk, who shall make appropriate notations and reference to the Zoning Law and Zoning Map.

Section 15.09 – Rezoning

A. In reviewing a subdivision proposal, the Planning Board is authorized to recommend to the Town Board the rezoning of the property for which the subdivision is proposed to a zoning designation more appropriate to the character of the subdivision once it is built.

1. Frequently, a subdivision will be proposed upon lands that have been zoned as Agricultural/Residential. This district varies from other districts, not only in dimensional standards but in the types of permitted uses. The uses permitted in the Agricultural/Residential district may not be appropriate in a more densely developed subdivision, for example the keeping of livestock.

2. The Planning Board may recommend that a zoning designation that prevents potential land use conflicts be applied to the property in question. For example, in the circumstance illustrated in the above subsection, a rezoning from Agricultural/Residential to the Hamlet district would address the concern raised regarding keeping of livestock.

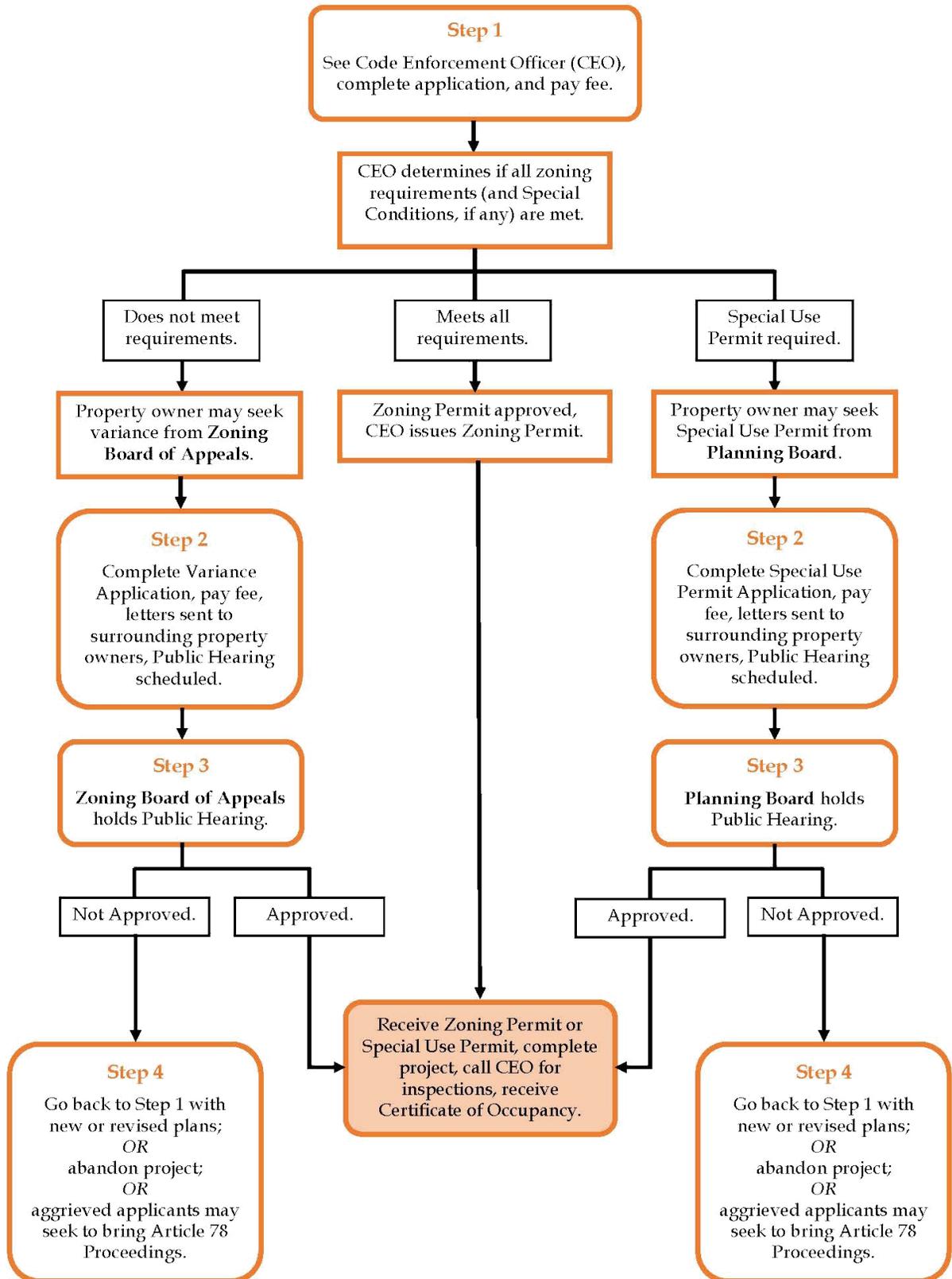
3. If the Planning Board determines that no suitable zone presently exists in the Town, it may recommend creation of a new zoning designation.

B. When the Planning Board recommends rezoning, it shall be undertaken in accordance with applicable provisions of the zoning law and the New York State Town Law and, to the extent practical, concurrent with the procedures of the subdivision review.

Section 15.10 – Fees

Application for Subdivision Review shall be accompanied by a payment to the Town in accordance with a fee schedule adopted by resolution of the Town. Subdivision Review fees are non-refundable.

APPENDIX A: FLOWCHART FOR ACQUIRING A ZONING PERMIT



APPENDIX B: ZONING VIOLATION COMPLAINT FORM

Zoning Violation Complaint Form

Town of Victory

1323 Town Barn Road
Red Creek, NY 13143
P: (315) 626-6462
F: (315) 626-6747

Date: _____

Alleged Violation: _____

* You may attach up to two (2) photographs to this form.

Property to which complaint applies: Address: _____

Property Owner (if known): _____

Complainant Information:	
Name: _____	Phone #: _____
Mailing Address: _____	
Do you request that this information be kept confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No	

For Office Use Only	
Received by: _____	Date Received: _____
CEO Signature: _____	Date: _____
Action taken: _____	
Follow up letter sent: <input type="checkbox"/> Y <input type="checkbox"/> N	Date Sent: _____
Violation remedy: _____	Date: _____
Tax Map #: _____	

APPENDIX C: APPLICATION FOR AN AREA VARIANCE

Application for an Area Variance

Town of Victory

1323 Town Barn Road
Red Creek, NY 13143
P: (315) 626-6462
F: (315) 626-6747

Appeal #: _____
Hearing Date: _____

1. Type of Appeal

Appeal is made herewith for an area variance from the Zoning Ordinance. All appeals must be accompanied by a denied zoning permit application.

2. Appellant Information

APPELLANT

Name(s): _____

Address: _____

Phone: _____ Email: _____

PROPERTY OWNER (if different)

Name(s): _____

Address: _____

Phone: _____ Email: _____

3. Location of Property

Address: _____

Tax Map #: _____ Use District on Zoning Map: _____

4. Applicable Provision(s) of the Zoning Ordinance Appealed (indicated the article/section/subsection/paragraph)

5. Previous Appeal

A previous appeal [] has [] has not been made with respect to this proposal and was/were made in:

Appeal #: _____, dated: _____

Appeal #: _____, dated: _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

6. Description of the Appeal

A. What is it that you want to do? _____

B. How does the Zoning Ordinance prevent you from doing what you want to do? _____

7. Criteria for Area Variance Review

New York State Town Law § 267-b (3) (b): In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant.

A. Will an undesirable change be produced in the character of the neighborhood or will the granting of this variance be a detriment to nearby properties? _____
Why or why not? _____

B. Can the benefit sought be achieved by some method other than an area variance? _____
If yes, what is the way? _____

C. Is the variance request substantial? _____
Why or why not? _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

D. Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? _____

Why or why not? _____

E. Is the alleged difficulty self-created? _____

Why or why not? _____

F. Is this the minimum variance necessary and adequate to achieve your goal? _____

8. Certification

I certify that the information submitted with the appeal is true to the best of my knowledge and belief, and that I have read and am familiar with those sections of the Town of Victory Zoning Ordinance that apply to this appeal. I also acknowledge that the Zoning Board of Appeals may visit the property and I specifically permit such visits.

(Signature of Land Owner)

(Date)

*****OFFICE USE ONLY*****

SEQR Classification: Unlisted Type 1 Type 2

Environmental Assessment Forms Used: Short EAF Long EAF

SEQR Determination of Significance: Negative Declaration Positive Declaration

Building Permit Application # (if any): _____

Date Received: _____

Date of Hearing: _____

GML 239 Review Required? Yes No

GML 239 Determination: _____

Town Planning Board Review Required? Yes No

Town Planning Board Recommendation: _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Area Variance Worksheet

CASE NAME: _____ NAME OF APPLICANT: _____
 DATE OF HEARING: _____ NO. MEMBERS PRESENT: _____ Quorum? Y / N

<u>Statutory Authority</u>	<u>Considerations</u>	<u>Facts in Support of the Application</u>	<u>Facts in Opposition to the Application</u>	<u>Conclusion</u>
New York State Town Law § 267-b (3) (b) (1)	Will an undesirable change be produced in the character of the neighborhood?			
New York State Town Law § 267-b (3) (b) (2)	Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance?			
New York State Town Law § 267-b (3) (b) (3)	Is the requested area variance substantial or minimal?			
New York State Town Law § 267-b (3) (b) (4)	Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?			

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

<u>Statutory Authority</u>	<u>Considerations</u>	<u>Facts in Support of the Application</u>	<u>Facts in Opposition to the Application</u>	<u>Conclusion</u>
New York State Town Law § 267-b (3) (b) (5)	Is the alleged difficulty which makes the variance desirable to the applicant self-created?			
New York State Town Law § 267-b (3) (c)	Is the requested variance the minimum variance necessary and adequate while at the same time preserving the health, safety, and welfare of the community and the character of the neighborhood?			
New York State Town Law § 267-b (3) (b)	Balance the benefit to the applicant vs. any detriment to the health, safety, and welfare of the neighborhood or community if the variance is granted.			

Notes: _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Area Variance Approval

In the matter of APPEAL # _____ by applicant _____ for the property located at _____ and having a tax map number of _____.

WHEREAS, the applicant has requested an area variance because the applicant wishes to _____

_____ which results in a _____ (side yard setback, building stories, etc.) deficiency of _____ (feet / percent / stories) required in the district by the zoning ordinance; and

WHEREAS, a hearing was held at the _____ meeting of the Town of Victory Zoning Board of Appeals to consider the applicant's request; and

WHEREAS, the applicant has appeared and addressed the Board at said meeting.

NOW the Board hereby makes the following findings of fact and conclusions of law concerning said application:

1. The subject property is zoned _____.
2. The granting of this variance will not result in an undesirable change in the character of the neighborhood because _____
3. The benefit sought by the applicant could not be achieved by some method, feasible for the applicant to pursue, other than the area variance because _____
4. The area variance is minimal / not substantial in that _____
5. The area variance requested will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
6. (Optional) The applicant's alleged difficulty was not self-created in that _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

7. In light of the foregoing the Board finds that, having balanced the benefit of the applicant against any detriment to the health, safety, and welfare of the neighborhood or community if the variance is granted, the minimum variance necessary and adequate to address the alleged difficulty while at the same time preserving the health, safety, and welfare of the community and character of the neighborhood is as follows: A variance to permit _____

THEREFORE the Board hereby grants said variance.

VOTE TALLY: YES _____ NO _____

CERTIFICATION OF ACTION: ZONING BOARD OF APPEALS Chairperson:	
_____	_____
Signature	Date

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Area Variance Denial

In the matter of APPEAL # _____ by applicant _____ for the property located at _____ and having a tax map number of _____.

WHEREAS, the applicant has requested an area variance because the applicant wishes to _____

_____ which results in a _____ (side yard setback, building stories, etc.) deficiency of _____ (feet / percent / stories) required in the district by the zoning ordinance; and

WHEREAS, a hearing was held at the _____ meeting of the Town of Victory Zoning Board of Appeals to consider the applicant's request; and

WHEREAS, the applicant has appeared and addressed the Board at said meeting.

NOW the Board hereby makes the following findings of fact and conclusions of law concerning said application:

1. The subject property is zoned _____.

2. Specify on or more of the following:

A. An undesirable change will be produced in the neighborhood / community in that _____

B. The benefit sought by the applicant could feasibly be achieved by the applicant in another way, namely _____

C. The area variance is substantial in that _____

D. The area variance requested will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district in that _____

APPENDIX C: APPLICATION FOR AN AREA VARIANCE (Cont.)

E. The applicant's alleged difficulty which makes the variance desirable is self-created in that _____

F. The requested variance is not the minimum variance necessary and adequate while at the same time protecting the health, safety, and welfare of the community and character of the neighborhood because _____

3. In light of the foregoing the Board finds that, having balanced the benefit of the applicant against any detriment to the health, safety, and welfare of the neighborhood or community if the variance is granted, the Board finds that the variance may not be granted.

THEREFORE the Board hereby denies the application for an area variance.

VOTE TALLY: YES _____ NO _____

CERTIFICATION OF ACTION: ZONING BOARD OF APPEALS Chairperson:	
_____	_____
Signature	Date

APPENDIX D: APPLICATION FOR A USE VARIANCE

Application for a Use Variance

Town of Victory

1323 Town Barn Road
Red Creek, NY 13143
P: (315) 626-6462
F: (315) 626-6747

Appeal #: _____
Hearing Date: _____

1. Type of Appeal

Appeal is made herewith for an use variance from the Zoning Ordinance. All appeals must be accompanied by a denied zoning permit application.

2. Appellant Information

APPELLANT

Name(s): _____

Address: _____

Phone: _____ Email: _____

PROPERTY OWNER (if different)

Name(s): _____

Address: _____

Phone: _____ Email: _____

3. Location of Property

Address: _____

Tax Map #: _____ Use District on Zoning Map: _____

4. Applicable Provision(s) of the Zoning Ordinance Appealed (indicated the article/section/subsection/paragraph)

5. Previous Appeal

A previous appeal [] has [] has not been made with respect to this proposal and was/were made in:

Appeal #: _____, dated: _____

Appeal #: _____, dated: _____

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

6. Description of the Appeal

A. What uses are permitted in the Zoning District? _____

B. What use, not currently permitted, are you seeking for your property? _____

C. Describe the project that requires the appeal: _____

7. Criteria for Use Variance Review

New York State Town Law § 267-b (2) (b): No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant must demonstrate to the board of appeals the following information for each and every permitted use under the zoning regulations:

- A. The appellant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.
- B. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district.
- C. That the requested use variance, if granted, will not alter the essential character of the neighborhood.
- D. That the alleged hardship has not been self-created.

Given these requirements, complete the following:

A. Please explain how the land will not yield a reasonable return by providing the following information:

1) Amount paid for the property in question: _____

2) Date of purchase of the property: _____

3) Present market value of property or any part thereof: _____

4) Basis upon which the present market value of the property was obtained: _____

5) The projected market value of the property if the use variance is/is not granted: _____

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

6) Basis upon which the projected market value of the property was obtained: _____

7) Please provide a breakdown of the expenses attributable to maintenance since acquiring the property
(you may wish to include receipts, if applicable): _____

8) Assessment and the amount of taxes on the property: _____

9) Amount of mortgages and other encumbrances: _____

10) Income from the property: _____

11) Any other relevant facts particular to realizing a reasonable return: _____

B. What evidence can you provide that the alleged hardship relates only to your property and not to a substantial
portion of the zoning district? _____

C. What evidence can you provide that the use variance will not alter the essential character of the neighborhood?

D. What evidence can you provide that the alleged hardship has not been self-created? _____

E. Why is the use variance you are requesting the minimum variance necessary and adequate to address the
alleged hardship? _____

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

8. Certification

I certify that the information submitted with the appeal is true to the best of my knowledge and belief, and that I have read and am familiar with those sections of the Town of Victory Zoning Ordinance that apply to this appeal. I also acknowledge that the Zoning Board of Appeals may visit the property and I specifically permit such visits.

(Signature of Land Owner)

(Date)

*****OFFICE USE ONLY*****

SEQR Classification: Unlisted Type 1 Type 2

Environmental Assessment Forms Used: Short EAF Long EAF

SEQR Determination of Significance: Negative Declaration Positive Declaration

Building Permit Application # (if any): _____

Date Received: _____

Date of Hearing: _____

GML 239 Review Required? Yes No

GML 239 Determination: _____

Town Planning Board Review Required? Yes No

Town Planning Board Recommendation: _____

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Use Variance Worksheet

CASE NAME: _____ NAME OF APPLICANT: _____
 DATE OF HEARING: _____ NO. MEMBERS PRESENT: _____ Quorum? Y / N

<u>Statutory Authority</u>	<u>Considerations</u>	<u>Facts in Support of the answer "YES"</u>	<u>Facts in Support of the Answer "NO"</u>	<u>Conclusion</u>
New York State Town Law § 267-b (2) (b) (1)	Is the applicant unable to realize a reasonable return on the property?			
New York State Town Law § 267-b (2) (b) (2)	Is the alleged hardship relating to the property in question unique? (i.e. it does not apply to a substantial portion of the district)			
New York State Town Law § 267-b (2) (b) (3)	Will the requested use variance, if granted, not alter the essential character of the neighborhood?			
New York State Town Law § 267-b (2) (b) (4)	Has the alleged hardship <u>not</u> been self-created?			

What competent financial evidence has been provided to demonstrate that the lack of return is substantial? (Such evidence is required to be presented by the applicant) _____

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Use Variance Approval

In the matter of APPEAL # _____ by applicant _____ for the property located at _____ and having a tax map number of _____.

WHEREAS, the applicant has requested a use variance to _____

_____ ; and

WHEREAS, a hearing was held at the _____ meeting of the Town of Victory Zoning Board of Appeals to consider the applicant's request; and

WHEREAS, the applicant has appeared and addressed the Board at said meeting.

NOW the Board hereby makes the following findings of fact and conclusions of law concerning said application:

- 1. The subject property is zoned _____.
- 2. The zoning district permits the following uses of said property: _____

_____.

The requested use is not permitted in this zoning district without a variance.

- 3. The applicant has submitted competent evidence in the form of _____
_____ which demonstrates that no permissible use of said property can result in a reasonable return to the applicant, and that such lack of a reasonable return is substantial:
 - a. The use of said property as a _____ (list first permitted use in applicable zoning district) cannot result in a reasonable return because: _____
_____.
 - b. The use of said property as a _____ (list second permitted use in applicable zoning district) cannot result in a reasonable return because: _____
_____.
 - c. (continue for all permitted uses in the applicable zoning district)

- 4. This inability to obtain a reasonable return causes an unnecessary hardship.

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

5. This hardship relates to the property itself, which is unique in that: _____

These unique characteristics of the property do not apply to a substantial portion of the zoning district because the properties in the surrounding zoning district _____

6. The proposed use will not alter the essential character of the neighborhood in that _____

7. Said hardship has not been self-created in that _____

8. (if required) The Cayuga County Planning Board's 239 Review Committee has reviewed this action and made the following determination: _____

9. The Board hereby determines that the minimum variance necessary and adequate to address the unnecessary hardship proven by the applicant preserving and protecting the character of the neighborhood and health, safety, and welfare of the community is as follows: A variance to permit the use of the property _____

THEREFORE, in light of the foregoing, the Board hereby grants said variance.

VOTE TALLY: YES _____ NO _____

CERTIFICATION OF ACTION: ZONING BOARD OF APPEALS Chairperson:

Signature Date

APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

For Zoning Board of Appeals Use Only: Use Variance Denial

In the matter of APPEAL # _____ by applicant _____ for the property located at _____ and having a tax map number of _____.

WHEREAS, the applicant has requested a use variance to _____

_____ ; and

WHEREAS, a hearing was held at the _____ meeting of the Town of Victory Zoning Board of Appeals to consider the applicant's request; and

WHEREAS, the applicant has appeared and addressed the Board at said meeting; and

WHEREAS, the Board finds that the applicant has provided sufficient evidence to evaluate the subject application.

NOW the Board hereby makes the following findings of fact and conclusions of law concerning said application:

1. The subject property is zoned _____.
2. The applicant has not demonstrated that the following requirements for a use variance have been met (specify one or more of the following):
 - a. The applicant has not submitted competent financial evidence which demonstrates that no permissible use of said property can result in a reasonable return to the applicant.
 - b. The alleged inability to obtain a reasonable return does not cause an unnecessary hardship because: _____
_____.
 - c1. This hardship relates to the property but is not unique to the zoning district because: _____
_____.
 - c2. This hardship does not relate to the property itself because: _____
_____.
 - d. The proposed use will alter the essential character of the neighborhood in that _____
_____.
 - e. Said hardship has been self-created in that _____
_____.

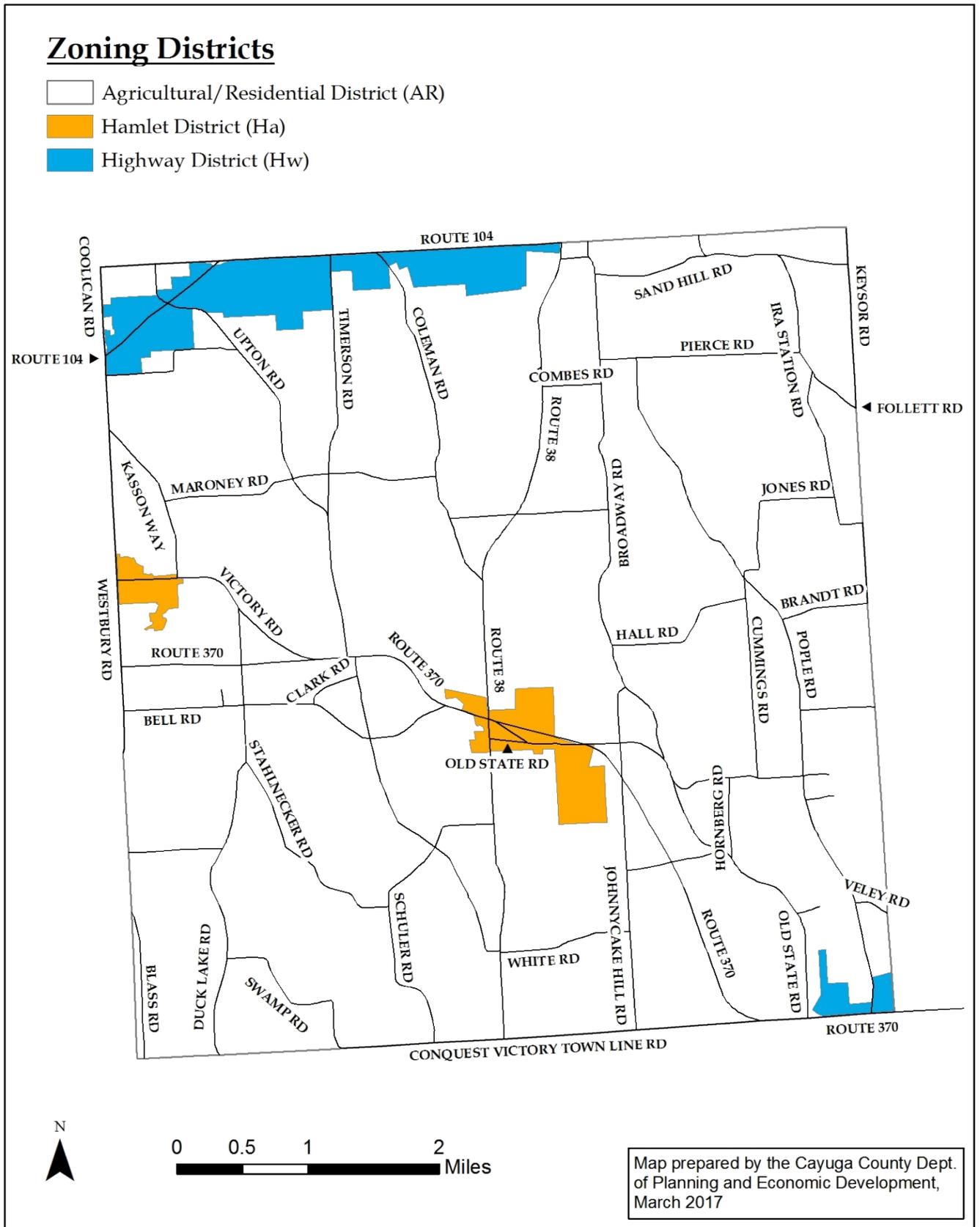
APPENDIX D: APPLICATION FOR A USE VARIANCE (Cont.)

THEREFORE, the Board hereby denies the application for a use variance.

VOTE TALLY: YES _____ NO _____

CERTIFICATION OF ACTION: ZONING BOARD OF APPEALS Chairperson:	
_____	_____
Signature	Date

APPENDIX E: TOWN OF VICTORY ZONING MAP



APPENDIX F: SPECIAL USE PERMIT APPLICATION

Special Use Permit Application

Town of Victory

1323 Town Barn Road
Red Creek, NY 13143
P: (315) 626-6462
F: (315) 626-6747

Application Date: _____

Applicant Name: _____
Address: _____
Telephone No.(s): _____
Email: _____

SPECIAL USE PERMIT APPLICATION FEES DUE WHEN APPLICATION IS SUBMITTED

Property to which request applies: Tax Parcel I.D. _____
Address: _____

Describe in detail the Special Use Permit request.
(e.g. Request to allow construction of a Multi-Family Dwelling in the Hamlet District)

Describe in detail how the Special Use Permit request meets the Standards of Review.
(Standards are enumerated on back of form)
Refer to Article VIII of the Town Zoning Law for specific requirements.

Table with 2 columns and 2 rows for office use only, containing fields for Date Received, Planning Board Meeting Date, Special Use Permit Fee, and Date Posted/Published.

APPENDIX F: SPECIAL USE PERMIT APPLICATION (Cont.)

**For Planning Board Use Only
FINDINGS OF FACT**

DATE OF REVIEW/HEARING: _____ NO. MEMBERS PRESENT: _____ Quorum? Y / N

PLANNING BOARD MEMBERS PRESENT:
Chairperson/Acting Chairperson: _____

STANDARDS OF REVIEW Article VIII, §8.04-B (Check boxes if it is determined that the following have been met):

The Subject Request is in the best interest of the Town, the convenience of the community, the public welfare and that it results in a substantial improvement to the property in the immediate vicinity of the proposed use.

The Subject Request is suitable for the property in question, and designed, constructed and operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

The Subject Request is in conformance with all applicable requirements of the Town of Victory Zoning Law.

MOTION:

APPROVAL: The standards of Review have been met.

APPROVAL: With the Following Conditions: _____

DENIAL: The Standards of Review have not been met.

MADE BY: _____ 2ND: _____

VOTE TALLY: YES _____ NO _____

ACTION: APPROVAL APPROVAL W/CONDITIONS DENIAL

CERTIFICATION OF ACTION:
PLANNING BOARD Chairperson:

Signature Date

APPENDIX G: TOWN OF VICTORY NONCONFORMITIES MAP

To be completed.

APPENDIX H: SUBDIVISION APPLICATION

Subdivision Application

Town of Victory

1323 Town Barn Road
Red Creek, NY 13143
P: (315) 626-6462
F: (315) 626-6747

1. Applicant Name: 2. Project Name:
3. Project Address:

4. Proposed Action is: [] New [] Expansion [] Modification / Alteration

5. Describe project briefly:

6. Amount of Land Affected: Initially: _____ acres Ultimately: _____ acres

7. Will the Proposed Action Comply with Existing Zoning or Other Existing Land Use Regulations?
[] Yes [] No If "No", describe briefly:

8. What is the Present Land Use in the Vicinity of the Project?
[] Residential [] Agricultural [] Commercial [] Industrial [] Forest/Open Space [] Other
Describe:

9. Does Action involve a Permit Approval or Funding now or ultimately from any other Governmental Agency (Federal, State, or Local)?
[] Yes [] No If "Yes", list agency name and permit/approval:

10. Does any aspect of the Action have a currently Valid Permit or Approval?
[] Yes [] No If "Yes", list agency name and permit/approval:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant Name: _____ Date: _____
Signature: _____

APPENDIX H: SUBDIVISION APPLICATION (Cont.)

Subdivision Review—Objectives and Procedures:

Wherever a new lot is created in the Town, local subdivision regulations apply. There are two kinds of subdivisions:

Major Subdivision: Any subdivision of a parent lot into five (5) or more lots, or a subdivision of any number of lots to be serviced by new public roads or other new public infrastructure.

Minor Subdivision: Any subdivision of a parent parcel of land into less than five (5) lots, unless such lots are to be serviced by new public roads or other new public infrastructure.

Procedures Summary for Major Subdivisions:

BACKGROUND

A **Major Subdivision** is subject to the full regulatory procedures and anyone planning such a project should obtain a copy of the Town Subdivision Regulations (Article XV of the Town of Victory Zoning Code) and a Subdivision Application (this document). Generally, a **Major Subdivision** will require approval by several agencies, not just the Town of Victory. For example, the County Health Department will play a major role. In most instances, someone undertaking a **Major Subdivision** should obtain the assistance of qualified professionals such as a lawyer, architect, land use planner, surveyor, and/or professional engineer.

The purpose of the **Major Subdivision** review procedure is to ensure that future residents of the subdivision will have buildable lots that are adequately served by water and sewerage disposal systems and can be reached by safe highways. At the same time, the process seeks to prevent any negative impacts on nearby property or the Town at large by new development.

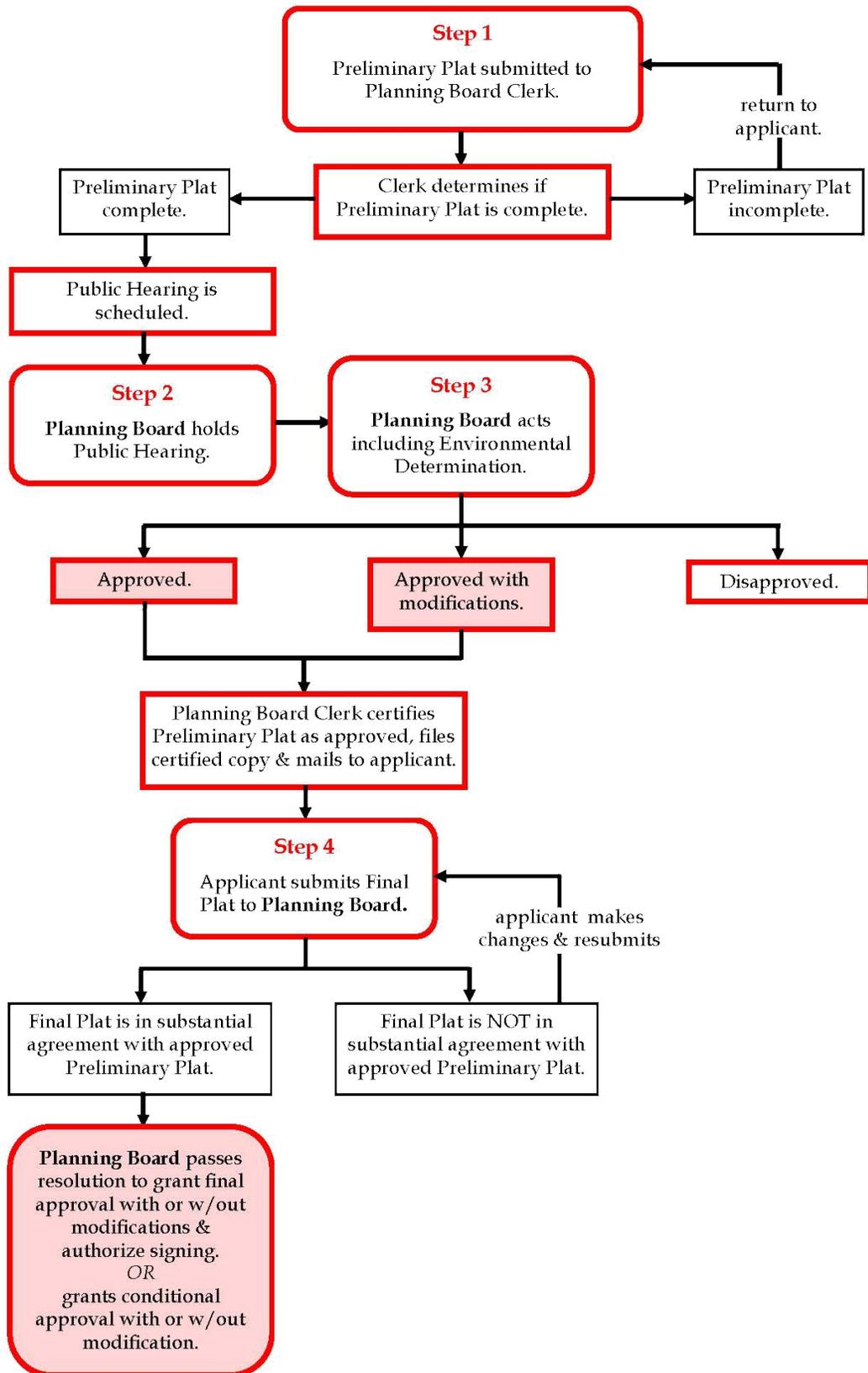
PROCEDURE

1. Get a copy of the Subdivision Application and Environmental Assessment Form from the Clerk's office. Complete it and return it to the Town offices.
2. The Planning Board will schedule a discussion with you regarding the proposal for its next regular meeting. You will be notified.
3. At the Board meeting, you will have an opportunity to informally discuss your proposal in order to identify any potential issues and to clarify procedures. You should bring a sketch map to the meeting. The map should show the location of the proposed subdivision, existing and proposed streets on and adjacent to it, and a description of proposed sewer and water systems.

Procedures Summary for Minor Subdivisions:

1. Get the proposed lot surveyed by a duly licensed professional. The survey should show the boundaries of the parcel and demonstrate that it meets the lot size requirements of the Zoning Code.
2. Complete the Subdivision Application and Environmental Assessment Form. Be sure to describe the proposed use of the lot in question #5. That is, will it be residential, commercial, industrial?
3. Submit a copy of the survey and completed form to the Town offices. It will be processed by the Planning Board and you will be notified of the Board's action. **Minor Subdivisions** which do not pose potential environmental impacts will usually be exempted from the subdivision approval process.

APPENDIX I: FLOWCHART FOR SUBDIVISION PROCEDURES



APPENDIX J: STEEP SLOPES MAP

