

A Local Law: Zoning Ordinance.

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

Official Notice of Zoning Ordinance

At a regular meeting of the Board of Trustees, of the Village of Cassadaga, held at the Fire Hall on the 10th day of December 1958 at 7:30 P.M. Present were: Mayor Robert Page and Trustee Lyman Wilcox, Sr. William Runkle and Arvid Johnson. Absent : Robert Straight.

Trustee Arvid Johnson presented the following resolution which was seconded by Trustee William Runkle, and upon roll call, unanimously adopted, viz.:

Resolved by the Board of Trustees of the Village of Cassadaga, new York, does hereby enact the following ordinance and directs its publication and posting in accordance with the law:

An Ordinance

Classifying and restricting the size of buildings and other structures, the size of yards, the location and use of buildings, structures and land for trade, industry, residence and other purposes: and providing fines and penalties for violation: so as to promote the health, safety, morals, and general welfare of the Village of Cassadaga, New York.

Whereas all the matters and things required by the Village Law of New York in order that the Board of Trustees of the Village of Cassadaga, N.Y. may avail itself on the powers conferred by said law have been compiled with:

Now therefore, The Board of Trustees of the Village of Cassadaga Buildings Zone Ordinance of 1958

Article I

Interpretation

Section 1. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

Enforcement

Section 2. This ordinance shall be enforced by the Zoning Officer who shall be appointed by the Board of Trustees, No building permit or certificate of occupy shall be issued by him except where the provisions of this ordinance are complied with.

No building of structure shall be erected, added to, or structurally altered in the Village of Cassadaga until there has been filed with the Zoning Officer a plan in duplicate, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plans shall be returned when approved by the Zoning Officer to the owner.

Where a lot is formed from part of a lot then already improved, the separation must be effected in such manner as not to impair any of the provisions of this ordinance, whether related to the then existing improvement or to the proposed new improvement.

Board of Appeals

Section 3. The Board of Trustees shall appoint a Board of Appeals, pursuant to the Village Law.

AMENDMENTS

Section 4. The Board of Trustees may from time to time on its own motion or on petition amend, supplement, or repeal the regulations and provisions of this ordinance.

The Board of Trustees by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice thereof to be giving as follows:

(A) By publishing a notice thereof once a week for two (2) successive weeks in a newspaper of general circulation in such village.

(B) By mailing a notice thereof to every association of the residents of the village which shall have registered its name and address for this purpose with the Board of Trustees.

(C) The notices shall state the general nature of the proposed amendment

Whenever the owners of fifty (50) per centum of more of the street frontage in any district or any specified part thereof shall present to the Board of Trustees a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for on the zoning maps including said district or said specified part thereof, it shall be the duty of the Board of Trustees to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

Certificate of Occupancy and/or Building Permit

Section 5.

(A) It shall be unlawful to use or permit the use of any buildings or premises or part thereof, hereafter created, erected, changed, converted, or enlarged wholly or partly, in the use or structure, until a Certificate of Occupancy shall have been issued by the Zoning Officer. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance, It shall be the duty of the Zoning Officer to issue a Certificate of Occupancy within ten days after a request for the same shall have been filed In his office by any owner, after having determined that the building and proposed use thereof conform with all the requirements herein set forth,

(B) Each applicant for a Certificate of Occupancy shall pay for the same the sum of one dollar (\$1.00) to the village.

Violation and Penalties

Section 6. For any and every violation of the provisions of this ordinance, the owner, agent or contractor of a building or premises where such violation has been committed shall for each and every week such violation continues, be subject to a penalty of fifty dollars (\$50.00) and every violation shall constitute disorderly conduct and every person violating the same shall be a disorderly person, Nothing in the ordinance shall be construed as depriving the village or the Board of Trustees of any other available remedy.

Validity

Section 7. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

Article II

For the purpose of this article, the entire Village of Cassadaga is hereby classified as a residential district.

Article III

Residential District

Section 1. In a residential district no building or premises shall be used or erected for any purpose except the following with its usual accessories:

Single family detached dwelling, school, professional office or studio of a physician, dentist, lawyer, musician, artist, or teacher residing on the premises and incidental to such residence.

Section 2. Each such residential unit shall be built on a lot with no less than fifty feet (50) frontage by one hundred feet (100) depth, exclusive of land in the highway.

Section 3. No building or part thereof shall be erected or altered to be nearer the street line upon which it fronts, than the average setback of the buildings on the same side of the street within the square; but this rule shall not operate so as to permit a setback of less than fifteen feet nor to require a setback of more than forty feet. When all the lots on the square are vacant, the setback shall not be less than thirty feet. In case of a building erected on a corner lot, the line of setback shall be governed by the setback line of the street on which the narrow frontage of the lot faces; and in case such as corner lot has an equal frontage on both streets, the line of setback of the street having the greatest line of setback shall govern, but also as far as possible the building shall conform to the line of setback of the other street.

Sections 4. A side yard of at least six feet is required on both sides of the building. Furthermore no building may be placed closer than six feet from any other of the property lines .

Article IV

Construction and Sanitation

Section 1. No building shall be erected in the Village of Cassadaga which will limit the usefulness or depreciate the value of surrounding or adjacent property.

Section 2. All sewage disposal systems shall be installed in accordance with the current recommendations of the New York State Health Department.

Section 3. No wells shall be drilled and all water consumed shall be only that supplied by the water system of the Village of Cassadaga.

Section 4. All residence shall be on a permanent foundation, shall be at least 800 square feet in area for a single story dwelling, exclusive of basement and garage, and 700 square feet for a story and a half or two story dwelling, exclusive of basement and garage and shall be at least one story in height.

Section 5. There shall be no dumping of refuse in the Village limits except at a place provided therefore by the Village Board and the deposit or dumping of garbage is prohibited in the Village limits.

Article V

General

Section 1. After the date this ordinance becomes effective, any existing building or premises which in use is not in conformity with the regulations herein prescribed, shall be considered nonconforming and may continue such nonconforming use, subject to the regulations hereinafter provided.

Section 2. Any permit is good for one year only subject to renewal by the Board of Appeals except as specified by section 4.

Section 3. Any commercial or industrial establishment ceasing operations for a period of one year will be deemed to have forfeited its commercial or industrial character and may not re- open without securing a permit and approval therefore pursuant to the terms of this ordinance.

Section 4. Permits may be granted for trailers or temporary housing for two years while building a permanent dwelling.

Section 5. No trailer can be moved within the village limits from one location to another or returned to the original location until a permit is secured and approved by the Village Zoning Officer.

Section 6. A certificate of occupancy may be revoked on any misrepresentation as to a material fact in the application upon which the certificate was issued.

Variances

Section 7. In addition to the jurisdiction of the Board of Appeals and appeals pursuant to the Village Law, the Board of Appeals may, in appropriate cases, subject to safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose where there are practical difficulties or unnecessary hardships relating to the use, construction or alterations of buildings or structures, or the use of land so that the spirit of the ordinance shall be observed and public safety and welfare secured and substantial justice done,

Until such time as commercial and industrial districts may be established, premises may be used and buildings erected for commercial, industrial amusement, or town purposes upon the granting of a variance by the Board of Appeals, Such variance shall be granted only after a public hearing, ten days notice of which shall be given in writing to the owners of the property within 500 feet of the premises to be so used.

Billboards

Section 8. No advertising signs or billboards shall be permitted after the effective date of this ordinance except that the owner or occupant of the premises in question may advertise a business or trade conducted by him on the premises by a sign not greater than 600 square inches in area.

Article VI

Trailer Camps

Section 1. No house trailer camps or tourist camps (meaning thereby a place where two or more trailers are equipped for and used as residence and allowed to stand) may be established or placed in operation.

Section 2. The owner of existing trailer camps must register his name and address with the Zoning Officer and an inspection fee of two dollars (\$2.00) per month per trailer paid. The inspection fee is payable the first of each month to the Zoning Officer.

State of New York

County of Chautauqua

Village of Cassadaga

I, George Scheffer, Village Clerk of the Village of Cassadaga, New York do hereby certify that I have compared the foregoing ordinance with the original thereof in my office and that the same is a true copy of said original and of the whole thereof, which was duly passed by the Board of Trustees of said Village on the 10th day of December 1958.

Witness my hand and the corporate seal of the Village of Cassadaga, New York, this 22nd day of December 1958