

ARTICLE 3
ESTABLISHMENT OF DISTRICTS

Sec. 3.0. Application of regulations.

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

Sec. 3.1. General regulations.

3.1.1 No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building or structure is located.

3.1.2 No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.

3.1.3 No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than those required by this law.

3.1.4 In their interpretation and application, the provisions of this zoning law shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

3.1.5 Any uses not specifically permitted shall be deemed to be prohibited.

3.1.6 Regardless of any other provisions of this law, or chapter, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or which presents a hazard to public health or safety, is prohibited, in accordance with the standards of Article 10 of this law.

Sec. 3.2. Zoning districts.

In order to fulfill the purpose of this zoning law, the city establishes the following districts:

1. Single-family Residential (R1).
2. Single-family/General Residential (R2).
3. General Residential (R3).
4. Residential Transition (RT).
5. City Center (CC).
6. General Commercial (GC).
7. Waterfront Conservation (WC).
8. Industrial (I).
9. General Industrial (I2). 10. General Industrial (I3).

11. Planned Residential (PR).
12. Planned Business (PB).

Sec. 3.3. Zoning map of the City of Olean.

The location and boundaries of said zoning use districts are hereby established on a scaled map designated "Zoning Map of the City of Olean" which is kept on file and will be available for public viewing in the office of the city clerk, and such map is hereby declared to be part of this zoning law.

Sec. 3.4. Interpretation of district boundaries.

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

- 3.4.1 Centerlines and right-of-way lines. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be constructed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than 20 feet.
- 3.4.2 Lot or boundary lines. Where district boundaries are indicated as approximately following the city boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- 3.4.3 Parallel to lot or boundary lines. Where district boundaries are so indicated that they are approximately parallel to the city boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map or as shall be determined by the use of the scale shown on the zoning map.
- 3.4.4 District boundaries shall be determined by use of an accurate scale which shall be shown on the zoning map. In no instances shall a district boundary be set at less than the minimum lot depth required in section 6.1, entitled "Density control schedule", of this law.
- 3.4.5 In the event of a questionable district boundary, the questionable boundary shall be referred to the zoning board of appeals, and they shall, to the best of their ability, establish the exact boundary.
- 3.4.6 The copy of the zoning map showing any such determinations under this section shall be on file at the office of the city clerk.
- 3.4.7 Precise zone boundary determinations made by the zoning board of appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the zoning map by the common council of the city.
- 3.4.8 Lots divided by zoning district lines. Where a lot is divided by a district boundary line, the regulations for each respective district shall apply except:
 1. In all cases where a lot in one ownership, other than a through lot, is divided by a district boundary so that 50% or more of such lot lies in the less restricted district, the

regulations prescribed for such less restricted district shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning district boundary. For purposes of this law, the more restricted district shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations set higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.

2. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.

3.4.9 Buildings divided by zoning district lines. Where a district boundary line divides a building existing on the effective date of this law, so that 50% or more of such building lies within the less restricted district, the regulations prescribed by this law for such less restricted district (as defined in subsection 3.4.8(1) above) shall apply to the entire building. Such provisions shall apply only if, and as long as, the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each district.