

Single-Family Dwelling

Permit Required

- Except as hereinafter provided, a building permit shall be required for any work which must conform to the Uniform Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Applying for a Permit

- One (1) copy each of the following information WILL be required to obtain a permit:
 - Survey.
 - North arrow and indicate the scale of the drawing.
 - All property lines.
 - All road right-of-ways, with road names labeled, that are located on or adjacent to the property.
 - All existing easements located on or adjacent to the property.
 - The location of all existing buildings, structures, driveways, swimming pools, or other impervious surface areas, including all setbacks.
 - The location of all surface water bodies, wetlands, jurisdictional wetland line or high water line. This is necessary to establish a setback distance.
 - Plot location plan.
 - The location of the proposed building(s), structure(s), driveways, sidewalks, or other impervious surface areas, including all setbacks; show the dimensions of the buildings.
 - All proposed easements located on the property.
 - Drainage Plan.
 - Both the proposed finish floor elevation of an attached garage at the SFD and the existing elevation at that location prior to construction.

- The proposed elevations of the finish grade around the SFD and throughout the site.
 - The existing elevations at the property lines around the perimeter of the property.
 - Proposed drainage swales, yard drains, piping, and any other drainage structures.
- Construction Drawings.
 - Drawings to be prepared in accordance with the New York State Uniform Fire Prevention and Building Code, the State Energy Code and such other laws as are applicable to the construction in the State of New York (collectively, "Uniform Code")
 - Signed and sealed by a Registered Architect or Professional Engineer licensed in the State of New York.
 - List design criteria used Per R301.2(1) of the Uniform Code
 - Plans Scaled and Readable
 - Designer's Name, Address, Cert. # on all pages, all pages numbered & labeled
 - Front, rear, and side elevations
 - Windows and door locations
 - Window and door schedule with sizes for all door & windows
 - Interior load bearing walls labeled
 - Footing locations, depth and width
 - Rebar number and size
 - Slab description
 - Interior footing, location and detail
 - Typical foundation wall & opening detail
 - Foundation wall change in height detail
 - Interior bearing wall details
 - Header / opening details
 - Anchor bolts: size, length and spacing
 - Wall sheathing nailing schedule
 - Connector chart - type and nail count
 - Truss certifications and layout sealed by Architect or Eng of record
 - Roof Sheathing and nailing schedule
 - Roof Type, including underlayment and ice and water shield
 - Fire Blocking Details
 - Stair and railing details

- Energy Calculations.
 - Calculations shall show compliance with the Uniform Code following the prescriptive compliance method, simulated performance method, or the energy rating index method.
 - Calculations prepared by computer software acceptable to the Code Enforcement Officer may be used to show compliance.

- Highway Work Permit.
 - A permit for work within the highway right-of-way shall be provided.
 - The permit shall be provided by the jurisdiction that owns the road where the work will occur, either the Town of Grand Island, Erie County, or State of New York.

- One (1) copy each of the following information MAY be required to obtain a permit:
 - Geotechnical Engineering Soils Report.
 - If required by the Construction Drawings or if determined to be necessary by the Code Enforcement Officer, a soils report indicating the allowable bearing capacity of the soil at the proposed construction site shall be provided.

 - Wetland Delineation.
 - If there are potential wetlands in the vicinity of the proposed SFD a wetlands delineation prepared by an Environmental Consultant acceptable to the Code Enforcement Officer shall be provided.
 - The wetlands delineation shall include the area around all proposed construction at the site, including the SFD, accessory structures, patios, walkways, and the driveway.
 - The wetlands delineation shall be shown on the lot location plan.

 - Septic System Approval.
 - If the proposed SFD is not located in a sewer district a permit for the construction of an onsite wastewater treatment system from Erie County Health Department (ECHD) shall be provided.

 - Flood Plain Development Permit.

- If any of the proposed construction will be located in areas of special flood hazard, as determined by the Federal Emergency Management Agency (FEMA), a Flood Plain Development Permit shall be provided.
- A Flood Plain Development Permit is issued by the Town of Grand Island Engineering Department.

Fees

- Single-family Dwelling
 - up to 4,000 square feet \$400.00
 - over 4,000 square feet \$600.00
- Certificate of Occupancy \$50.00
- Sewer Tap \$500.00
- Water Tap – 1” \$300.00
- Water Meter – ¾” \$275.00

Definitions

- Buildable Land.
 - The area of a lot that is calculated by subtracting from the gross area of the parcel the following:
 - State-regulated wetlands.
 - Federal-regulated wetlands.
 - FEMA-designated floodplains.
 - Land designated for public recreation.
 - Land required for roadways and public improvements.
 - For riverside lots, land in the Niagara River.
- Building.
 - Any improvement having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels; mobile home; or
 - Any other structure, including anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including stationary and portable carports, docks, sheds, boathouses, towers, and structures of a similar nature; also including swimming pools, both in-ground and aboveground, decks, flagpoles over 20 feet in height and antennas.
- Building, Principal.

- A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the lot on which the same is located.
- Building Height.
 - The vertical distance measured from the mean level of the ground surrounding the building or structure to the highest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.
- Dwelling.
 - Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, erected on a permanent foundation.
- Dwelling Unit.
 - A residential unit other than a mobile home, with one or more rooms, including cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.
- Lot.
 - A parcel or piece of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this code, and having frontage on a public street.
- Lot, Corner.
 - A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the "corner."
- Lot, Depth.
 - The mean horizontal distance between the front and rear lot lines.
- Lot, Interior.
 - A lot other than a corner lot.
- Lot Lines.
 - The lines or series of connecting line segments bounding the lot.
- Lot Lines, Front.
 - For an interior lot, the lot line abutting the street;

- For a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;
- For a through lot, the lot line abutting the street that provides the primary access to the lot; and
- For a flag lot, the lot line designated as the front lot line by a subdivision or parcel map, or if none, the line determined by a Code Enforcement Officer to be the front lot line.
- Lot Line, Rear.
 - The lot line opposite and most distant from the front lot line.
- Lot Line, Side.
 - Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a "side street lot line."
- Lot Line, Street.
 - A lot line separating the lot from a street.
- Lot, Through.
 - An interior lot having frontage on two parallel or approximately parallel streets.
- Lot Width.
 - The distance between the two side lot lines measured as the length of a line setback from the front lot line by the minimum front yard permitted in the district.
- Lot, Nonconforming.
 - Any lot which does not conform with the minimum width, depth and area dimensions specified for the district in which said lot is located, and the owner(s) of said lot do(es) not own any adjoining property. A legal nonconforming lot is one which complied with the requirements of the Zoning Code at the time it was created, or has a nonconforming use legally occurring upon it.
- Maximum Building Coverage.
 - The maximum percentage of a lot to be covered by the combined footprint of all buildings, structures, and uses.
- Riverside Lot.

- A lot of which any portion borders the Niagara River. For purposes of setback and building coverage calculations, such lots will be deemed to end at the top of the bank of the river, or where a measurable bank is not present, at the normal high water mark. Under no circumstances shall land under water be included in the lot for purposes of calculating setbacks or lot coverage requirements. Where a riverside lot is in common ownership with an adjoining lot separated by a right-of-way (even if covered by more than one deed), and the riverside lot is too small to permit construction of a principal use without a variance, both such lots shall be considered as riverside lots for purposes of this code, except that the provisions of § 407-18C shall not apply to the nonshoreline lot portion of a riverside lot.
- Shoreline Lot.
 - The portion of a riverside lot actually adjoining the Niagara River.
- Start of Construction.
 - The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- Structure.

- Anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including stationary and portable carports, docks, sheds, boathouses, towers, and structures of a similar nature. Also including swimming pools, both in-ground and above ground, decks, flagpoles over 20 feet in height, antennas. Excludes patios, walkways and pavements at ground level.

General Requirements

- Single-family dwellings can be constructed in the following zoning districts only:
 - R1-A
 - R1-B
 - R1-C
 - R1-D
 - R1-E
- Each zoning district has yard, lot, and area requirements for minimum lot size, minimum lot buildable area per dwelling unit, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard width, minimum rear yard depth, maximum building height, and maximum building coverage. See Schedule I of the Town Code for the requirements for the corresponding zoning district.
- Measurements:
 - In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is a line a minimum of 10 feet long, parallel to the front lot line; and set at the most distant location from the front lot line.
 - A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, a Code Enforcement Officer shall determine the point of measurement.
 - Any lot or structure which is or would be nonconforming in any manner by six inches or less is deemed to be in compliance.
 - Front setbacks shall be measured from the edge of the right-of-way, or in the case of private streets, from the face of curb.

- Special Setback Requirements
 - In addition to the other setbacks established in this code and delineated on Schedule I the following additional setbacks apply in all districts to all buildings and structures, provided that where the district front yard requirements establish a greater setback, the district front yard requirements shall apply.
 - On the following roads, measured from the center of the right-of-way to the building line, the minimum setback, subject to the exception of Subsection B of this section, shall be:

<u>Name of Road</u>	<u>Minimum Setback (feet)</u>
Alt Boulevard	100
Baseline Road	100
Bedell Road	80
Bush Road	80
East River Road	90
Ferry Road	80
Fix Road	80
Grand Island Boulevard	115
Harvey Road	80
Huth Road	80
Long Road	80
Love Road	80
Ransom Road	80
Staley Road	80
Spaulding Road	80
Stony Point Road	100 (except Love Road to Elsie Lane)
Stony Point Road	80 (Love Road to Elsie Lane)
Whitehaven Road	100

- On shoreline lots, structures other than riverside accessory uses, shall be no closer to the river shoreline (measured at the top of the bank) than:
 - Where there are already two principal structures on adjoining lots, no closer than the average distance of the two adjoining principal structures to the river shoreline, but no less than the rear yard for the district.
 - Where there is a principal structure on only one adjoining lot, no closer than that principal structure to the river shoreline, but no less than the rear yard for the district.
 - Where there are no principal structures on the adjoining lots, no less than the rear yard for the district.

- Exceptions:

- Exceptions to yard requirements.
 - Rear yard exceptions for through lots. On a through lot where the rear lot line coincides with a street line, a front yard equivalent shall be provided. The rear yard depth requirements in the district regulations shall not apply on that portion of a through lot where the front yard equivalent is required; and
 - Side yard rule for corner lots. On corner lots, all structures shall be no closer to the right-of-way than the minimum front yard setback of the adjacent lots.
 - Exceptions to frontage requirements. Any legal nonconforming lot separately owned and recorded on the Tax Map of the Town of Grand Island at the time of enactment of this chapter which has frontage of less than the prescribed number of feet permitted in an applicable district may be used as a building lot if it has sufficient area to permit the required setbacks within such district.
- Exceptions to height limitations.
 - The height restrictions of this code do not apply to the following, except as stated herein:
 - Chimneys, flues, spires, tanks, steeples, communications towers, ornamental towers or spires and belfries on otherwise conforming buildings, provided that such structures do not exceed the height limitation by more than 40%;
 - Flagpoles, radio or television antennas, masts or aerials which are located on a building and do not extend more than 20 feet above the roof of such building;
 - Solar energy systems not more than 1/2 story above the roof of such building; and
 - No portion of any structure exceeding the roof of such structure shall be used as a place of habitation.
- Slope of yards.
 - No building containing dwelling units shall be constructed or altered so as to contain dwelling units unless the surface grade of the front yard at the front wall of the building is either:
 - A minimum of 24 inches above the top of curb, measured at the midpoint between the side lot lines, and/or in compliance with the filed grading plan for the subdivision; or
 - Where a curb grade has not been established, not less than one-foot above the center line of the street, measured at the midpoint between the side lot lines of the lot.
 - Where there is an unusual difficulty in meeting this standard, the Town Engineer may accept a substitute gradient, provided

that no negative gradient is established within 15 feet of the front wall or within six feet of either side of the rear wall of the dwelling.

- Requirements in Special Flood Hazard areas:
 - Elevation:
 - Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - Be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
 - Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
 - Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
 - If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- Anchoring:
 - New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- Construction materials and methods.
 - New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- Enclosed areas.
 - For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
 - Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.