

Application for a Building or Zoning Permit

**Town of Montezuma**

8102 Dock Street, PO Box 357  
Montezuma, NY 13117

**John E. Greer, Code Enforcement Officer**

Phone: (315) 776-8844 Ext. 6

Cell Phone: (315) 730-2408

Fax: (315) 776-9943

**OFFICE USE ONLY**

- ☐ Permit to build
- ☐ Permit to use
- ☐ Permit for occupancy
- ☐ Permit for the extension or enlargement of a non-conforming use

Application No: \_\_\_\_\_

Date Received: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

☐ Approved: \_\_\_\_\_

☐ Denied: \_\_\_\_\_

**IMPORTANT INSTRUCTIONS, PLEASE READ CAREFULLY.**

1. Application must be complete. Please type or clearly print in ink all necessary information. Write "NA" when "not applicable".
2. Completed Application must be submitted to the Montezuma Town Clerk with appropriate fee before review process can begin. The activity covered by the application may not be commenced before the issuance of a zoning permit.
3. Application must be supported with the following documents:

**MINOR PROJECT:** (does not require Site Plan, Special Use Permit or Subdivision Approval)

- A. Plot plan (see attached sample)
- B. Sketch of project and/or specifications/materials list.

**MAJOR PROJECT:** (requires Site Plan, Special Use Permit or Subdivision Approval)

- A. One (1) copy of approval letter from Planning Board
- B. Three (3) copies of plot plan signed
- C. Three (3) copies of design drawings signed and sealed by a licensed architect or licensed professional engineer.
- D. One (1) copy of approval letter from developer, if in Planned Development District.

**PLEASE COMPLETE:**

Location of Property:

\_\_\_\_\_  
(Street or Firelane #, Lot #, or Nearest Road)

Tax Map #:

Name of Owner:

Address:

Telephone/Cell #:

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**A. PROJECT CONTACTS**

Builder (If self, so indicate):

Address:

Telephone/Cell #:

Architect or Engineer:

Address:

Telephone/Cell #:

**B. NATURE OF WORK**

(CHECK ALL APPROPRIATE CATEGORIES BELOW):

**Existing Structure(s)**

1. Repair (structural) ☐

2. Addition ☐

3. Alteration ☐

4. Use ☐

5. Removal ☐

6. Demolition ☐

7. Occupy ☐

6. Other  
(Specify)

**New Structure(s)**

1. Single Family Home ☐

2. Two Family Home ☐

3. Commercial ☐

4. Industrial ☐

5. Accessory Building(s);

Garage: Attached ☐ Detached ☐

Shed: ☐

Deck: Covered ☐ Open ☐

Swimming Pool: Above ☐ Below ☐

**C. PRINCIPAL CONSTRUCTION MATERIAL TO BE USED:**

1. Wood ☐

2. Brick ☐

3. Block ☐

4. Other  
(Specify)

**D. TYPE OF FOUNDATION**

1. Cellar ☐

2. Slab ☐

4. Crawlspace ☐

5. Other  
(Specify)

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3. Basement ☐

**E. SERVICES AND UTILITIES**

1. Water Source: Public ☐

Private Well ☐

Other \_\_\_\_\_

2. Sewage Source: Private\*  
☐

None ☐

\* If private, has sewage disposal permit been applied for?

Yes ☐

No ☐

3. Will the project involve plumbing work? Yes ☐ No ☐

4. Will the project involve HVAC work? Yes ☐ No ☐

5. Will the project involve electrical work? Yes ☐ No ☐

**F. COST OF THE PROJECT** (all labor\* and materials)

\$ \_\_\_\_\_

\*estimate your labor, if applicable

**G. ZONING DISTRICT OF PROPERTY** (select all that apply one)

AR: Agricultural/Residential ☐

H: Hamlet ☐

C: Commercial ☐

I: Industrial ☐

OR: Open Space/Recreational ☐

PDD: Planned Development District ☐

F: Floodplain Overlay District ☐

**H. PRINCIPAL USE OF PRESENT STRUCTURE(S) AND/OR LAND** (Select One)

1. Agricultural ☐

4. Commercial ☐

2. Residential ☐

5. Industrial ☐

3. Commercial ☐

6. Other (Specify)  
\_\_\_\_\_

**I. PRINCIPAL USE OF THIS PROPOSED PROJECT** (Describe)  
\_\_\_\_\_  
\_\_\_\_\_

Is proposed use permitted?

Yes ☐ No ☐ Unsure ☐

Is a Special Use Permit required?

Yes ☐ No ☐ Unsure ☐

Is Site Plan approval required?

Yes ☐ No ☐ Unsure ☐

Is Subdivision approval required?

Yes ☐ No ☐ Unsure ☐

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Total number of dwelling units both existing and proposed:

\_\_\_\_\_

Total number of employees for all uses both existing and proposed:

\_\_\_\_\_

If the existing or proposed use is allowed under an existing special use permit or if a change in zoning district, site plan, variance or interpretation of the Zoning Ordinance is involved, please describe:

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### J. DIMENSIONS OF TOTAL PROPERTY (If applicable)

Lot Size: Length \_\_\_\_\_ (x) Width \_\_\_\_\_ (=) Total sq. ft. \_\_\_\_\_

Existing Buildings:

Length \_\_\_\_\_ (x) Width \_\_\_\_\_ (=) Total sq. ft. \_\_\_\_\_

Length \_\_\_\_\_ (x) Width \_\_\_\_\_ (=) Total sq. ft. \_\_\_\_\_

Length \_\_\_\_\_ (x) Width \_\_\_\_\_ (=) Total sq. ft. \_\_\_\_\_

Total square footage of existing buildings: \_\_\_\_\_

### K. DIMENSIONS OF PROPOSED PROJECT (if applicable)

Length \_\_\_\_\_ (x) Width \_\_\_\_\_ (=) Total sq. ft. \_\_\_\_\_

Height \_\_\_\_\_ Number of Stories \_\_\_\_\_

### L. PROPERTY LINE SETBACKS OF PROPOSED PROJECT (if applicable)

Front lot line setback \_\_\_\_\_ ft. Side lot line setback \_\_\_\_\_ ft.

Rear lot line setback \_\_\_\_\_ ft. Side lot line setback \_\_\_\_\_ ft.

M. ENCLOSED LIVING AREA (if applicable) Total sq. ft.

Attach a sketch plan showing the following:

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- a. Location of existing and proposed building(s) or structure(s)
- b. Distances to all property lines from these buildings
- c. Distance to nearest building within 100ft of the property
- d. Statement or drawing describing the proposed structure as to its height, floor area, use and any information necessary to determine off-street parking and loading requirements
- e. Proposed parking and loading area location and number of spaces
- f. Proposed driveways, anchors, tie-downs, and required landscape buffer areas
- g. Proposed size, dimensions, location and methods of illumination for signs
- h. Percentage of lot covered by buildings and structures: \_\_\_\_\_%
- i. Percentage of lot covered by buildings, structure, parking lots, storage areas, loading and travel areas: \_\_\_\_\_%

**GENERAL INFORMATION PERTAINING TO THIS APPLICATION**

This application will be reviewed by the Code Enforcement Officer and/or the Town Consulting Engineer. If disapproved, a letter of denial explaining reason(s) for denial will be issued to applicant. If approved, a BUILDING/ZONING PERMIT will be issued to the Applicant.

Work covered by this APPLICATION shall not commence prior to the issuance of a PERMIT. The PERMIT shall be valid for a period of twelve (12) months from the date of issuance. Construction under the PERMIT must be substantially complete within twelve (12) months or an extension must be obtained from the Code Enforcement Officer. A NOTICE OF PERMIT (issued by the Town must be kept on the premises, publicly visible, throughout the progress of work.

This project may involve work requiring approval of various outside agencies. Certain outside agency approvals may be required prior to the issuance of a Permit. Final approval of all agencies involved must be submitted to the Code Enforcement Officer prior to the issuance of a Certificate of Occupancy or Compliance. Examples, not limited to the following, would be:

Project Involvement

Agency

- |                              |   |
|------------------------------|---|
| 1. Land division, SEQR, etc. | Montezuma Planning Board                |
| 2. Zoning matters, SEQR      | Montezuma Zoning Board of Appeals       |
| 3. Public water              | Montezuma Water Department              |
| 4. Private septic system     | Cayuga County Health Department         |
| 5. N.Y.S. Roads              | NYS Dept. of Transportation             |
| 6. Floodplains, wetlands     | NYS Dept. of Environmental Conservation |
| 7. Streams, Lakes, etc.      | U.S. Army Corps of Engineers            |

Application for a CERTIFICATE OF OCCUPANCY OR COMPLIANCE is made concurrently with this filing. It is the responsibility of the owner or authorized agent to notify the Code Enforcement Officer when the project is completed in order to obtain a Certificate of Occupancy.

The Town Code Enforcement Officer and/or Building Inspector, upon the display of proper credentials and in the discharge of his duties, shall be permitted to enter upon the premises covered by this application without interference, for the purposes of inspecting, during normal working hours.

No person shall make any changes to the plans herewith submitted or of the specifications herein contained in the structural part of the project without the written consent of the Code Enforcement Officer.

NOTE: The Code Enforcement Officer will notify you of his/her action in writing within 15 days of receipt of this application.

.....

I certify that the answers to the questions set forth in this APPLICATION are true, correct and complete.

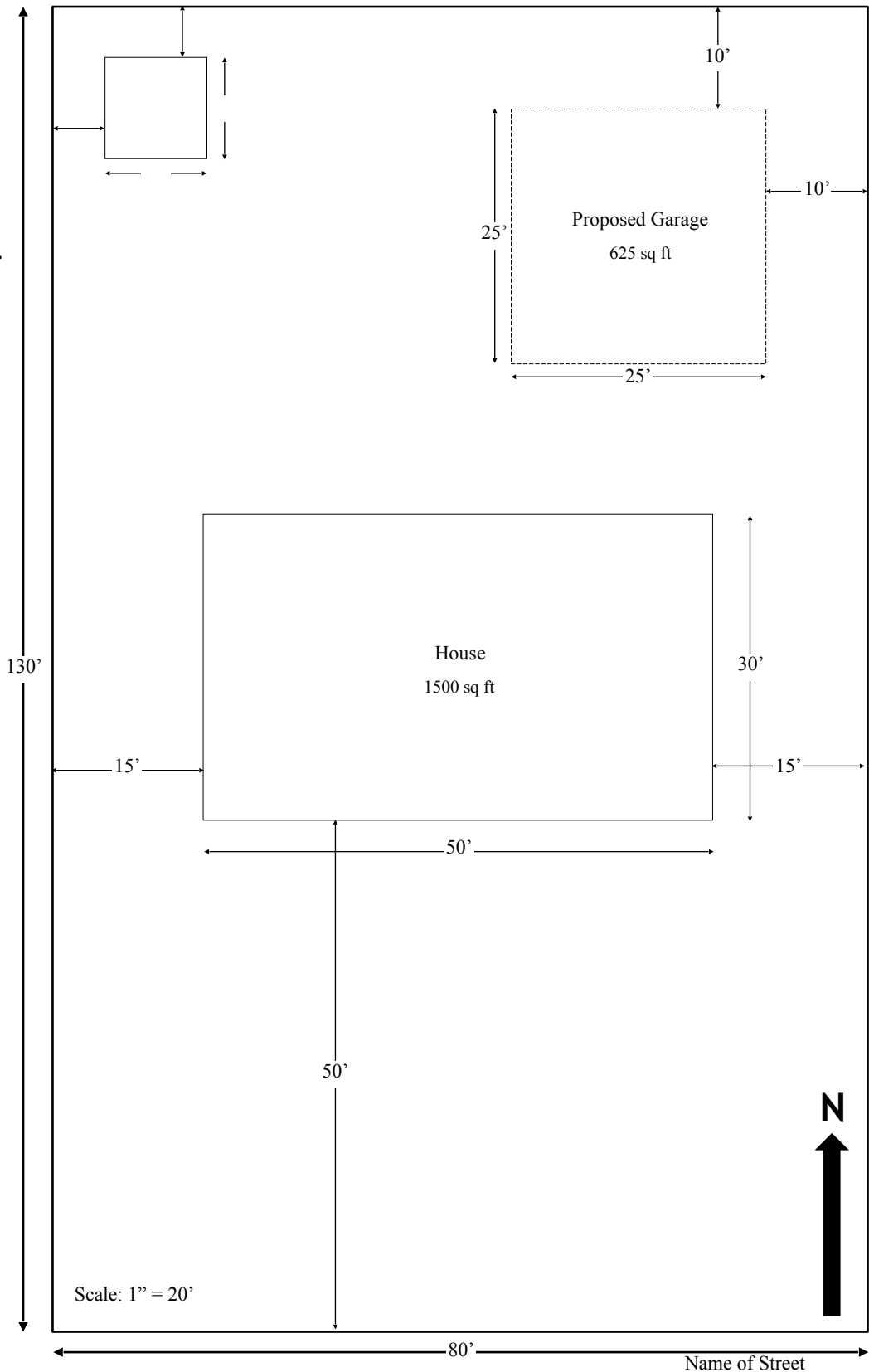
Additionally, I agree that, in the event the PERMIT is approved, to comply with the provisions of all State of New York and Federal Government regulations, as they pertain the this APPLICATION.

Signature: \_\_\_\_\_  
(Owner or authorized agent)

Plot Plan Should Contain:

- A. Name of Owner
- B. Address of Property
- C. Tax Map No.
- D. Dimensions of lot to scale.  
**Indicate north per compass.**
- E. Draw **existing** structures on lot to scale. Draw with **solid lines**.
- F. Draw **proposed** structures to scale. Draw with **dotted lines**.
- G. Indicate square footage of **all structures**.
- H. Distance from all structures to lot lines.
- I. Identification of adjoining property. i.e. street, lake, neighbors by name.

Sample Plot Plan



## ***Short Environmental Assessment Form***

### ***Part 1 - Project Information***

#### **Instructions for Completing**

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____acres				
a. Total acreage to be physically disturbed? _____acres				
b. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____acres				
1. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				





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<p>5. Is the proposed action,</p> <p style="margin-left: 20px;">a. A permitted use under the zoning regulations?</p> <p style="margin-left: 20px;">b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p style="margin-left: 20px;">b. Are public transportation services available at or near the site of the proposed action?</p> <p style="margin-left: 20px;">c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p style="margin-left: 20px;">b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p>_____ Signature: _____ Title: _____</p> <p>_____</p>		



## Application for a Building or Zoning Permit

### LAWS OF NEW YORK, 1998 CHAPTER 439

The **general municipal law is amended by adding a new section 125** to read as follows:

. 125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR
2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

#### Implementing Section 125 of the General Municipal Law

##### 1. General Contractors -- Business Owners and Certain Homeowners

For **businesses and certain homeowners listed as the general contractors on building permits**, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is **ONE** of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ self-insured (SI-12), or
- ◆ are exempt (CE-200),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

##### 2. Owner-occupied Residences

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1 (12/08).

- ◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:
  - ◇ is performing all the work for which the building permit was issued him/herself,
  - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
  - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(12/08), but shall either:
  - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
  - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

BP-1 (12/08) Reverse

www.wcb.ny.gov

### Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

*\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\**

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**Under penalty of perjury**, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- ☐ I am performing all the work for which the building permit was issued.
- ☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- ☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE- 200 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

\_\_\_\_\_  
(Signature of Homeowner)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Homeowner's Name Printed)

Home Telephone Number \_\_\_\_\_

Property Address that requires the building permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<i>Sworn to before me this _____ day of _____</i>
<i>(County Clerk or Notary Public)</i>

Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

## ARTICLE VII: DIMENSIONAL REQUIREMENTS

### Section 7.01 – Bulk Table

- A. 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.

**Table 2: Town of Montezuma Zoning Ordinance Bulk Table**

District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Minimum Building Setback			Maximum Building Height
				Front	Side	Rear	
Agricultural / Residential (AR)	1 acre	150 ft	60%	50 ft	20 ft	35 ft	35
Hamlet (H)	0.5 acre	110 ft	60%	30 ft	20 ft	35 ft	35
Commercial (C)	0.5 acre	110 ft	60%	50 ft	20 ft	35 ft	35
Industrial (I)	5 acres	350 ft	60%	100 ft	100 ft	100 ft	35
(Open Space/ Residential (OR)	1 acre	150 ft	60%	50 ft	20 ft	35 ft	35

### Section 7.02 – Side Setback of Corner Lots

- A. The side setback of a corner lot which abuts a street, shall be equal to the required front setback for that street.

### Section 7.03 – Exceptions to Minimum Lot Sizes and Widths

- A. The provisions of Article VII 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 7.04 – Exceptions to Building Height

- A. 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 7.05 – Traffic Visibility Across Corners

- 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 7.06 – Essential Services

- A. 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.



**Building and Zoning Permit Fees**  
**Approved by Montezuma Town Board, August 20, 2013**

**Do not need a Building Permit for the Following**

1. Ordinary repairs not structural in nature.
2. New roof unless making structural changes.
3. New windows unless making structural changes.
4. New siding unless making structural changes.

**Residential Construction:**

1. New construction & additions - \$0.20 per square foot. Minimum of \$150.00.
2. Renovations - \$0.20 per square foot. Minimum of \$75.00.
3. Decks & unheated porches - \$0.20 per square foot. Minimum of \$50.00.
4. Minor structural repairs - minimum fee for Building/Zoning Permit \$10.00
5. Storage Sheds - \$25.00
6. Storage buildings (barns) and garages \$0.20 per square foot. Minimum of \$75.00  
NOTE: Fee to be waived for agricultural use buildings.
7. Above ground swimming pool - \$50.00
8. In ground swimming pool - \$75.00
9. Work started prior to obtaining a Building Permit - Double the standard fee.
10. Renewal of expired permit - In the event that a building permit must be renewed, a fee equal to 50% of the original building permit fee will be charged prior to re-issuance.
11. All fees include the Certificate of Occupancy/Certificate of Compliance.

Floor area shall not include cellar, non-habitable basement, non-habitable attic or carport, but shall include an accessory garage. Floor area shall be based upon outside dimensions of the building.

**Non-Residential or Commercial Construction:**

**Contractor or owner shall provide a copy of estimate for work or an affidavit attesting to the actual cost of the project with the application to determine fee.**

- **Up to \$25,000.00..... \$142.00**
- **\$25,001 to \$50,000..... \$142.00 for the first \$25,000 plus \$3.00 for each additional \$1,000.00 or fraction thereof**
- **\$50,001 to \$100,000..... \$217 .00 for the first \$50,000 plus \$2.00 for each additional \$1,000.00 or fraction thereof**
- **\$100,001 to \$500,000..... \$317.00 for the first \$100,000 plus \$1.50 for each additional \$1,000.00 or fraction thereof**
- **\$500,001 to \$1,000,000..... \$917.00 for the first \$500,000 plus \$1.50 for each additional \$1,000.00 or fraction thereof.**
- **\$1,000,001 to \$5,000,000..... \$1,667.00 for the first \$1,000,000 plus \$1.50 for each additional \$1,000.00 or fraction thereof.**
- **\$5,000,001 to \$50,000,000..... \$7,667.00 for the first \$5,000,000 plus \$1.50 for each additional \$1,000.00 or fraction thereof.**
- **Excess of \$50,000,000..... To be Negotiated with Town Board**
- **Cell Towers - \$2,500.00 for new tower, \$500.00 to upgrade existing tower.**
- **Work commenced prior to obtaining a Building Permit - Double the standard fee.**

**Renewal of expired permit - In the event that a building permit must be renewed, a fee equal to 50% of the original building permit fee will be charged prior to re-issuance.**

**All fees include the Certificate of Occupancy.**

**NOTE: If the Town expends funds for professional services, including but not limited to Town Engineer fees, the applicant shall pay the cost of said fees to the Town prior to final inspection.**

**NOTE: The permit fee for a building occupied in part for residential use and in part for nonresidential use shall be the sum of the two (2) occupancy fees calculated separately. Floor area shall include basement, cellar and sub-cellar, but shall not include a crawl space or an attic space, no part of which exceeds five (5) feet in height. Floor area shall be based upon outside dimensions of the building.**