

**ARTICLE II**  
**ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS**

**Section 201 Zoning Map and Districts** The zoning map officially entitled "Peru Zoning Map" is hereby adopted as part of this ordinance. The Town of Peru Zoning Map shows a division of the town into the following districts:

"I-C"	Industrial-Commercial
"COM"	Highway Commercial
"COM-2"	Highway Commercial-2
"COM-1"	Hamlet Commercial
"H-2"	Hamlet Two
"H-3"	Hamlet Three
"H-4"	Hamlet Four
"H-C"	Hamlet Center
"RL-1"	Rural Lands One
"RL-2"	Rural Lands Two
"RL-3"	Rural Lands Three
"WS-1"	Watershed One
"R-A"	Rural Arterial
"PUD"	Planned Unit Development

**Section 202 Copies of Zoning Map** Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map which shall be located in the office of the town clerk shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town.

**Section 203 District Objectives**

**Zoning District Regulations**

Regulations limiting the use of buildings and land, district objectives, dimensional requirements and other district regulations are set forth in the following tables.

A permitted use is a use for which the Zoning Enforcement Officer may issue a building permit providing the other requirements of this ordinance have been fulfilled or a variance has been authorized by the Zoning Board of Appeals. A special permitted use is a use that the Zoning Board of Appeals may, with conditions, or may not authorize in a district according to criteria and procedure established herein (Section 207). Area and dimensions are the minimums allowable in the district.

The Classes referred to in the Tables are:

- Class 1** = A lot having off-lot water and sewer services.
- Class 2** = A lot having off-lot water or sewer services with the other utility service contained within the lot.
- Class 3** = A lot having both the water supply and sewage disposal on-lot.

Minimum area per family applies to any lot where it is proposed to provide dwelling units for more than one family. In this case the minimum lot size shall be computed by multiplying the number of families times the minimum area per family. Terms used in the Tables are further defined in Article VI, Definitions.

**Table 203.1**  
**"I-C" INDUSTRIAL-COMMERCIAL**

**A. Objectives**

The "I-C" district provides for the establishment of stores and plants to provide shopping and employment opportunities and a broadening of the tax base in Peru without adversely affecting land uses in other areas of the community. The availability of good highway access and water and sewer services are major considerations. A variety of types of commercial manufacturing and offices are permitted, provided they do not pose a threat to groundwater and are in keeping with the goal of making Peru an attractive community. This area is also appropriate for multi-family housing.

**B. Area and Dimensions**

The minimum lot area is one (1) acre.

**C. Area and Dimensions for Non-Residential Uses**

<u>Class</u>	Minimum Lot Width <u>(ft.)</u>	<u>Minimum Set Back in Feet</u>		
		<u>Front</u> <u>Yard</u>	<u>Side</u> <u>Yard</u>	<u>Rear</u> <u>Yard</u>
1	100	50	20	25
2	150	50	25	25
3	150	50	25	35

**D. Residential Set Backs** Notwithstanding the provisions of preceding Section B, set backs for all structures and parking areas shall be 50 feet from residential district boundaries. This area shall be maintained as a landscaped area.

**E. Special District Regulations**

1. Where practicable, access shall be by Dashnaw Road or other minor road rather than by entry and exit directly onto Bear Swamp Road.

2. A landscaped area with no structures and parking area shall be maintained 60 feet deep from Bear Swamp Road and 50 feet from the Northway right of way. Existing mature trees shall be retained to the extent practicable.

3. A centralized system of sewage disposal shall be provided, preferably connected on to the existing public system.

4. A water system shall be provided, preferably adequate to meet fire fighting needs.

## **“I-C” INDUSTRIAL-COMMERCIAL USES**

### **PERMITTED USES**

#### **General Uses**

Public Facility  
Essential Use/Service

#### **Business Uses**

Retail Stores:

1. Neighborhood Convenience Store without Gasoline
2. Antique, Craft or Gift Shop
3. Used Merchandise or Furniture
4. Gun Shop, Fishing, Tackle
5. Other Retail Stores

Motor Vehicle Sales

Motor Vehicle Repair

Lawn or Garden Equipment

Farm Equipment

Feed Store, Farm Supplies

Produce Sales

Nursery, Florist or Greenhouse

Indoor Recreation

Motel, Hotel

Restaurant (with or without alcoholic beverages)

Food or Ice Cream Stand

Personal Service Business

1. Beauty Shop

2. Barber Shop

3. Tailor

4. Similar Business

Professional or Business Office

Bank

Clinic

Appliance Repair Shop

Water Bottling

Veterinarian, Animal Hospital

### **SPECIAL PERMITTED USES**

#### **Residential Uses**

Multi-Family Dwelling

#### **General Uses**

Church

Membership Club

Hospital

Non-Profit Recreation Facility

#### **Business Uses**

Retail Stores

1. Neighborhood Convenience Store without Gasoline

2. Supermarket

Shopping Center

Truck Stop

Launderette

Gasoline & Auto Service Station

Motor Vehicle & Auto Body Shop

Kennels

Well Drilling, Construction or Excavating Business

#### **Industrial Uses**

Warehousing & Distribution

Manufacturing

Research & Testing

Laboratory

Machine Shop

Zoning map revision to extend industrial commercial district border on Dashnaw Road on east side of Viola Dashnaw property line in a northerly direction, then easterly 250 feet and northerly at 250 feet from Dashnaw Road to the intersection of Chamberlain Road, crossing Chamberlain Road and continuing along easterly bounds of Dashnaw Road to the Little Ausable River and then easterly to Northway limit, then southerly along Northway boundary to original northerly boundary line of the existing industrial commercial district, and continuing original boundary lines to return to point of beginning.

**TABLE 203.2**  
**"COM" HIGHWAY COMMERCIAL**

**A. Objective**

This district makes provision for the location of businesses catering to the traveling public, especially tourists. The attraction for these types of facilities in Peru is Lake Champlain.

**B. Uses**

**PERMITTED USES**

Retail Store  
Personal Service  
Restaurant  
Motel  
Lodging House  
Accessory Use

**SPECIAL PERMITTED USES**

Auto Service Station  
Single-Family Dwelling  
Two-family dwelling  
Multi-Family Dwelling  
Office  
Research or Testing  
Laboratory  
Essential Service  
Public Facility  
Non-Profit Recreation  
Facility

**C. Area and Dimensions**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Ft.</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back</u>		
		<u>Area in Sq. Ft.</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	3,000	40,000	150	25	10	35
2	10,000	40,000	150	25	10	35
3	20,000	60,000	150	25	10	35

**TABLE 203.3**  
**"COM-1" HAMLET COMMERCIAL**

**A. Objective**

This district provides for most types of commercial development in areas well suited for such businesses near the hamlet of Peru.

**B. Area and Dimensions for Residential Uses**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Ft.</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		Area in <u>Sq. Ft.</u>	Width <u>in Ft.</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>
1	4,000	8,000	80	20	10	25
2	10,000	20,000	100	25	15	25
3	30,000	37,500	150	25	15	35

**C. Area and Dimensions for Non-Residential Uses**

<u>Class</u>	Minimum Lot Area ( <u>sq. ft.</u> )	Minimum Lot Width ( <u>ft.</u> )	<u>Minimum Set Back in Feet</u>		
			Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>
1	20,000	100	50	25	25
2	37,500	150	60	30	30
3	37,500	150	60	30	30

**D. Special district regulations for that part of Bear Swamp Road located west of Interstate 87\***

1. Where practicable, access shall be from the Dashnaw Road or other minor road rather than by entry and exit directly onto the Bear Swamp Road.

2. A landscaped area with no structures and parking area shall be maintained 60 feet deep from Bear Swamp Road and 50 feet from the Interstate 87 right-of-way. Existing mature trees shall be retained to the extent practicable.

\*Amended 12/11/96

**TABLE 203.3**  
**"COM-1" HAMLET COMMERCIAL USES**

**PERMITTED USES**

**Residential Uses**

Single-Family Dwelling  
Two-Family Dwelling

**General Uses**

Church  
Membership Club  
Public Facility  
Essential Use/Service

**Business Uses**

Produce Sales  
Child Care Center  
Appliance Repair Shop

**SPECIAL PERMITTED USES**

**Residential Uses**

Multi-Family Dwelling

**Business Uses**

Home Occupation  
Retail Store

1. Neighborhood Convenience Store with Gasoline
2. Neighborhood Convenience Store without Gasoline
3. Antique, Craft or Gift Shop
4. Used Merchandise or Furniture
5. Gun Shop, Fishing Tackle
6. Supermarket
7. Other Retail Store

Motor Vehicle Sales  
Motor Vehicle Repair  
Lawn or Garden Equipment  
Feed Store, Farm Supplies  
Shopping Center  
Nursery, Florist or Greenhouse  
Lodging House, Bed & Breakfast  
Restaurant  
Launderette  
Personal Service Business

1. Beauty Shop
2. Barber Shop
3. Tailor
4. Similar Businesses

Professional or Business Office  
Bank  
Clinic  
Private School  
Funeral Home  
Gasoline & Auto Service Station  
Motel/Hotel\*

*Accessory Uses for the above-referenced Special Permitted Uses*

\*Amended 12/11/96

## **ZONING MAP "COM-1" HAMLET COMMERCIAL**

Southerly from River to Bench Mark 348 (Old Railroad Tracks) along the boundary of the sewer district then east to Route 22 then southerly one lot depth, on westerly portion of Route 22 to southerly boundary of sewer district then easterly to one lot depth along Route 22, northerly to Bench Mark 348 (Old Railroad Tracks) then to include the rest of Old H-1 to Little Ausable River.

Also, Brand Hollow Road to Military Turnpike along both sides of Route 22, one lot depth.

Also, along both sides of Route 22 from the entrance to Sullivan Park to two lots north of Bend Road at its northerly point.

"One lot depth" shall be interpreted as meaning one (1) lot depth as it exists as of the date of passage of this Zoning Ordinance Amendment.

Also, easterly on the south side of Bear Swamp Road from the western boundary line of the Peru Fire Station (lot #280.-1-29) to the eastern boundary of lot #280.1-1-35.1 where it intersects Interstate 87, at a depth of 700 feet from the southern bounds of the Bear Swamp Road. Easterly on the north side of Bear Swamp Road from the eastern bounds of Dashnaw Road to the eastern boundary of lot #280.-1-33.1 where it intersects Interstate 87, at a depth of 700 feet from the northern bounds of the Bear Swamp Road.\*

\*Amended 12/11/96

**TABLE 203.4  
"H-2" HAMLET TWO**

**A. Objective**

All types of dwelling units are provided for in this district. A high density of development is provided for where adequate off-site water and sewer service is available.

**B. Uses**

**PERMITTED USES**

Single-Family Dwelling  
Two-Family Dwelling  
Multi-Family Dwelling  
Church  
Accessory Use  
Cluster Development

**SPECIAL PERMITTED USES**

Hospital  
Public Facility  
Essential Service  
Home Occupation  
Recreational Facility  
Lodging House

**C. Area and Dimensions**

<u>Feet</u>	Minimum Area Per Family in <u>Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in</u>		
		<u>Area in Sq. Ft.</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Class</u>						
1	4,000	8,000	80	20	10	25
2	10,000	20,000	100	25	15	25
3	30,000	37,500	150	25	15	35

**"H-3" HAMLET THREE**

**A. Objective**

This district provides for what is the normal suburban development for single-family homes with provisions for other types by special permitted uses.

**B. Uses**

**PERMITTED USES**

Single-Family Dwelling  
 Church  
 Accessory Use  
 Cluster Development

**SPECIAL PERMITTED USES**

Two-Family Dwelling  
 Hospital  
 Public Facility  
 Essential Service  
 Home Occupation  
 Recreational Facility

**C. Area and Dimensions**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		Area in <u>Sq. Ft.</u>	Width <u>In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	5,000	10,000	100	20	15	25
2	10,000	20,000	100	25	15	25
3	30,000	37,500	150	25	15	35

**TABLE 203.6**  
**"H-4" HAMLET FOUR**

**A. Objective**

This district provides for development for single-family homes, for both year-around and seasonal use for those interested in the advantages of being on or near the lake shore, with provisions for other types by special permitted use.

**B. Uses**

**PERMITTED USES**

Single-Family Dwelling  
Church  
Accessory Use  
Cluster Development

**SPECIAL PERMITTED USES**

Two-Family Dwelling  
Cluster Development, Residential  
Public Facility  
Essential Service  
Home Occupation  
Recreational Facility  
Golf Course and Clubhouse

**C. Area and Dimensions**

<u>Class</u>	<u>Minimum Area Per Family in Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		<u>Area in Acres</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	5,000	.50	100	20*	10	25**
2	10,000	.75	100	25*	15	25**
3	30,000	1.00	100	25*	15	35**

\* 50 ft. set back if fronting on Route 9 for building

\*\* 100 ft. set back from lake for building

\*\* 100 ft. set back from lake for leaching field and septic tank

Notwithstanding the foregoing, for all lake frontage within the Valcour Sewer District there shall be a 50 foot set back from the mean high water mark for building.

**TABLE 203.6A**  
**"H-C" HAMLET CENTER DISTRICT**

**A. Objective**

This district provides for mixed residential and commercial development of a density and scale compatible with the existing character of the area.

**B. Area and Dimension for all uses**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		Area in <u>Sq. Ft.</u>	Width <u>In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	4,000	8,000	80	20	10	25
2	10,000	20,000	100	25	15	25
3	30,000	37,500	150	25	15	35

**C. Size of Building**

Within the Hamlet Center District no building designed for business use shall exceed five thousand (5,000) square feet in ground area. The purpose of this requirement is to ensure that new development within the district is in keeping with the scale of the existing structures.

**D. One lot depth limit from Route 22**

"One lot depth" shall be interpreted as meaning one (1) lot depth as it exists as of the date of passage of this Zoning Ordinance Amendment.

**"H-C"**  
**HAMLET CENTER DISTRICT USES**

**PERMITTED USES**

**Residential Uses**

Single-Family Dwelling  
Two-Family Dwelling

**General Uses**

Church  
Membership Club  
Public Facility  
Essential Use/Services

**Business Uses**

Child Care Center  
Appliance Repair Shop

**SPECIAL PERMITTED USES**

**Residential Uses**

Multi-Family Dwelling

**Business Uses**

Home Occupation  
Neighborhood Convenience Store  
Without Gas  
Antique, Craft or Gift Shop  
Used Merchandise or Furniture  
Gun Shop, Fishing Tackle  
Lodging House, Bed & Breakfast  
Food or Ice Cream Stand  
Launderette  
Personal Service Business  
1. Beauty Shop  
2. Barber Shop  
3. Tailor  
4. Other Similar Businesses  
Professional or Business Offices  
Restaurant  
Bank  
Clinic  
Private School  
Funeral Home

Accessory uses for the above-  
referenced Special Permitted Uses

**ZONING MAP "H-C"**  
**HAMLET CENTER DISTRICT**

Zoning Map HC changes: One lot depth along both sides of Route 22 to include the area from the Little Ausable River northerly to include two lots north of North Bend Street its northerly end.

"One lot depth" shall be interpreted as meaning one (1) lot depth as it exists as of the date of passage of this Zoning Ordinance Amendment.

**TABLE 203.7**  
**"RL-1" RURAL LANDS ONE**

**A. Objective**

Rural Lands One are the rural areas outside of the built-up portions of the Town of Peru where rural residences may be located. They are generally served by adequate roads, and the soils are fair to moderate for septic use. These areas might be considered transitional lands; that is, not too steep so that dwellings can be built-up in a conventional manner, and the land is not as desirable for today's farming needs because of the type of soil or steepness of the land.

**B. Uses**

**PERMITTED USES**

Agricultural and Forestry  
Single-Family Dwelling  
Accessory Use  
Cluster Development

**SPECIAL PERMITTED USES**

Two-Family Dwelling  
Public Facility  
Essential Service  
Home Occupation  
Church  
Private School  
Outdoor Theater  
Recreation Facility

**B. Area and Dimensions**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		<u>Area in Sq. Ft.</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	10,000	20,000	100	35*	20	25
2	20,000	37,500	150	35*	25	35
3	37,500	37,500	150	35*	25	35

\*50 Ft. set back if fronting on Routes 9, 22, 22B, or Bear Swamp Road

**TABLE 203.8**  
**"RL-2" RURAL LANDS TWO**

**A. Objective**

Rural Lands Two are areas that are more inaccessible than those found in Rural Lands One. The soil is generally not as good and the slopes are greater. These can have limited residential development.

**B. Uses**

**PERMITTED USES**

Agricultural and Forestry  
Single-Family Dwelling  
Accessory Use  
Cluster Development

**SPECIAL PERMITTED USES**

Two-Family Dwelling  
Public Facility  
Essential Service  
Home Occupation  
Church  
Private School  
Outdoor Theater  
Recreational Facility  
Travel Trailer Camp

**C. Area and Dimensions**

<u>Class</u>	Minimum Area Per Family in <u>Acres</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		<u>Area in Acres</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	.50	1	150	35*	25	35
2	1.00	2	200	35*	25	35
3	2.50	5	300	35*	25	50

\*50 ft. set back if fronting on Routes 9, 22 or 22B or Bear Swamp Road

**TABLE 203.9**  
**"RL-3" RURAL LANDS THREE**

**A. Objective**

This is the area of the community that should have the least intensity of development as it is generally mountainous, has poor access, and in many cases, has shallow soils. With any intensity of development, much permanent damage will be done to the area.

**B. Uses**

**PERMITTED USES**

Agricultural and Forestry  
Single-Family Dwelling in  
Conjunction with Farm  
Accessory Use

**SPECIAL PERMITTED USES**

Single-Family Dwelling  
Essential Service  
Travel Trailer Camp  
Public Facility  
Non-Profit Recreation Facility

**C. Area and Dimensions**

<u>Class</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
	<u>Lot Area in Acres</u>	<u>Lot Width in feet</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
All Classes	25	500	35	35	50

**TABLE 203.10**  
**"WS-A" WATERSHED ONE**

**A. Objective**

This is the drainage area of the town's water supply and should have a restrictive low-intensity use.

**B. Uses**

**PERMITTED USES**

Single-Family Dwelling  
Camps, seasonal

**SPECIAL PERMITTED USES**

Hunting Camps  
Mobile Homes for seasonal use

**C. Area and Dimensions**

Minimum Lot Size

Minimum Set Back in Feet

<u>Class</u>	<u>Lot Area in Acres</u>	<u>Lot Width in feet</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
All	10	300	35	25	50

**TABLE 203.11**  
**"R-A" RURAL ARTERIAL DISTRICT**

**A. Objective**

This is intended to be a mixed use arterial corridor district which provides for residential development and compatible business uses.

**B. Area and Dimensions**

<u>Class</u>	Minimum Area Per Family in <u>Sq. Feet</u>	<u>Minimum Lot Size</u>		<u>Minimum Set Back in Feet</u>		
		<u>Area in Sq. Ft.</u>	<u>Width In Ft.</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1	10,000	20,000	100*	35*	20	25
2	20,000	37,500	150*	35*	25	35
3	37,500	37,500	150*	35*	25	35

\*In Rural Arterial districts residential lots with entry or exit directly onto State Route 22 shall have a minimum front yard setback of 50 feet.

**C. Area and Dimensions for Non-Residential Uses**

<u>Class</u>	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	<u>Minimum Set Back in Feet</u>		
			<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
All Classes	37,500	150	50	30	30

**D. Green Space Buffer**

All non-residential uses within Rural Arterial Districts shall be provided with a minimum green space buffer on all sides and the rear of the property at least thirty (30) feet in width. The green space buffer shall be maintained as a vegetated area. No driveways, parking lots, or storage of materials or vehicles is permitted, nor shall the buffer be used as a work area.

## "R-A" RURAL ARTERIAL USES

### **PERMITTED USES**

#### Residential Uses

Single-Family Dwelling  
Two-family Dwelling  
Multi-Family Dwelling

#### General Uses

Church  
Public Facility  
Essential Use/Service

#### Business Uses

Retail Store  
1. Neighborhood Convenience Store with Gasoline  
2. Neighborhood Convenience Store without Gasoline  
3. Antique, Craft or Gift Shop  
4. Used Merchandise or Furniture  
5. Gun Shop, Fishing Tackle  
Produce Sales  
Nursery, Florist, Greenhouse  
Lodging House, Bed and Breakfast  
Restaurant -  
Non-Alcoholic Beverages  
Personal Service Business  
1. Beauty Shop  
2. Barber Shop  
3. Tailor  
4. Similar Business  
Professional or Business Office  
Bank  
Child Care Center  
Appliance Repair Shop  
Water Bottling

#### Other Uses

Agriculture, Forestry  
Cluster Development  
Accessory Use

### **SPECIAL PERMITTED USES**

#### General Uses

Membership Club  
Hospital  
Non-Profit Recreation Facility

#### Business Uses

Home Occupation  
Supermarket  
Other Retail Store  
Motor Vehicle Sales  
Lawn or Garden Equipment  
Farm Equipment  
Feed Store, Farm Supplies  
Outdoor Recreation  
Indoor Recreation  
1. Bowling  
2. Skating  
3. Similar Businesses  
Food or Ice Cream Stand  
Launderette  
Clinic  
Private School  
Funeral Home  
Veterinarian, Animal  
Hospital  
Kennels

## **ZONING MAP "R-A" RURAL ARTERIAL**

The zone shall extend in a direction perpendicular to and away from the centerline of Route 22 a distance of 500 feet (500') on either side of Route 22 from the northerly boundary of the Town in a southerly direction to the intersection of the Brand Hollow Road at its northerly boundary, and in a direction perpendicular to and away from the centerline of Route 22 a distance of 500 feet (500') on either side of Route 22 from the southerly boundary of the Town in a northerly direction to the southerly boundary of the current water/sewer district.

**TABLE 203.12  
PLANNED UNIT DEVELOPMENT I  
(aka Adirondack Golf & Country Club)**

**A. Objective**

This section is intended to create a new zone called Planned Unit Development I (PUD-I) as provided for in Section 404 of the "Zoning Ordinance of the Town of Peru, New York". The purpose of the PUD-I is to provide and encourage a choice or residential dwelling units in a creative and desirable environment which will be a permanent and long-term asset to the Town. Open space and recreation areas shall be in harmony and complement the surrounding development. The area shall be served by supporting commercial uses. An efficient use of land shall be employed resulting in a smaller network of utilities and streets.

**B. Boundaries of the PUD-I District**

The boundaries of the Planned Unit Development No. I are as shown on a survey map prepared by James C. Blaise dated July 28, 1989, and filed in the Office of the Town Clerk of the Town of Peru.

**C. Uses**

The Planning Board is authorized to approve the locations of the following use districts within the PUD-I.

***Residential A District***

**PERMITTED USES**  
Single-Family Dwelling  
Accessory Use  
Essential Service

**SPECIAL PERMITTED USES**  
Home Occupation

***Residential B District***

**PERMITTED USES**  
Single-Family Dwelling  
Multi-Family Dwelling  
Church  
Accessory Use  
Essential Service

**SPECIAL PERMITTED USES**  
Home Occupation

***Commercial A District***

**PERMITTED USES**  
Neighborhood commercial facility  
Retail store  
Church  
Accessory Use  
Essential service

**SPECIAL PERMITTED USES**  
Restaurant  
Neighborhood commercial facility or retail store with gasoline pumps but not repair facilities  
Recreational facilities

## **Recreation District**

### **PERMITTED USES**

Golf Course and Related  
Facilities\*  
Accessory Use  
Essential Service  
Parks, Playgrounds and Other Common  
Use Open Space

### **SPECIAL PERMITTED USES**

Recreational Facilities Other than  
Golf Course

\*The term "Golf Course" includes structures commonly associated with golf courses, such as club houses, containing a pro shop, meeting rooms, offices and banquet facilities.

#### **D. Area and Dimension Requirements**

The Planning Board is authorized to determine the Area and Dimension requirements for each use District. The term "Area and Dimension Requirement" means minimum area per family, minimum lot size, and minimum yard dimensions.

**1.** Not more than 5% of the total land area of the PUD-I shall be designated a Commercial A District.

**2.** The maximum number of dwelling units, of any type, shall not exceed a gross maximum density of one (1) family per 20,000 square feet.

**3.** Not less than 60% of the land within the PUD-I shall be designated a Recreation District. The Planning Board may require that a portion of the Recreation District be retained in open space for the common enjoyment and usage of the public.

**4.** The minimum Area and Dimension requirements shall not exceed the requirements for an RL-1 Zone. In establishing such Area and Dimension requirements, the Planning Board may consider the proximity of land in question to lands within a Recreation District which are the functional equivalent of land reserved for open space.

#### **E. Special District Regulations**

**1.** All lots shall front on public roads, or private roads and drives which are owned and controlled in such a way that there are satisfactory assurances that such private roads and drives will be adequately maintained as approved by the Planning Board and any other applicable local, county or state agency.

**2.** The Planning Board may require that certain through streets or highways be dedicated to the Town.

**3.** All single family development requires compliance with the subdivision ordinance.

**4.** All provisions of Section 401 of the "Zoning Ordinance of the Town Of Peru, New York" pertaining to Site Plan Review shall apply to all Permitted and Special Permitted Uses, except single family dwellings.

**5.** All common areas and all off-site non-public water and sewer facilities shall be owned and maintained by a legal entity which is organized and funded in such a way as to ensure adequate maintenance of such facilities as approved by Planning Board and any other applicable local, county or state agency.

**Section 204 District Boundaries** District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of such district boundaries. When the building inspector cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Board of Appeals, upon appeal shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this ordinance.

**Section 205 Lots** In any district, notwithstanding limitations imposed by other provisions of this ordinance, a single lot in existence at the effective date of adoption of this ordinance, may be built upon subject to the following conditions.

Such a lot must be in separate ownership, and no of continuous frontage with other such lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the district in which the lot is located.

If two or more undeveloped lots with continuous frontage are in single ownership at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirement for a lot width and area as established by the ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this ordinance.

**Section 206 Restrictions**

**206.1** No building or land shall hereafter be used or occupied, and no building 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.

**206.2** No building shall hereafter shall be erected or altered:  
To exceed the height,  
To accommodate or house a greater number of families, nor  
To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

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

**Section 207 Special Permitted Uses**

**207.1** General Provisions. The special permitted uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

**207.2** Required Plan. A plan for the proposed development of a site for a special permitted use shall be submitted with an application for a special permit and such plan shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this ordinance.

**207.3** Expiration. A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six months for any reason, and a new permit shall be prepared for continuance for a special permit use.

**207.4** Existing Violations. No Permits shall be issued for a special permitted use for a property where there is an existing violation of this ordinance.

**207.5** Standards Applicable to all Special Permitted Uses

**(1)** Approval of Special Permitted Uses. All special permitted uses shall require Zoning Board of Appeals approval in accordance with Article VII before a permit may be issued. No special permitted use shall be approved by the Zoning Board of Appeals unless the following standards are met.

**(2)** Standard for All Special Permitted Uses

**A.** Compatibility. The character, appearance, location, size, height, intensity, nature and site layout of the proposed use, buildings, structures, and/or outdoor signs shall be in harmony with the character and appearance of the surrounding neighborhood, and shall not cause a significant adverse impact upon nearby properties by reason of noise, fumes, odors, vibration, flashing lights, litter, traffic, or similar conditions.

**B.** Vehicular Access. Proposed vehicular access points shall be adequate but not excessive in number, and shall be adequate in width, grade, alignment and visibility; not located too near street corners or places of public assembly; and meet similar safety considerations. All proposed buildings, structures, equipment or materials shall be readily accessible for fire and police protection.

**C.** Sight Distance at Entry and Exit. To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways," State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained.

As set forth in the above cited publication, the minimum unobstructed line of sight in each direction eighth entrance to a public road shall be as follows:

<u>Design Speed of Highway</u>	<u>Left Turn</u>	<u>Right Turn</u>
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.)

**D.** Circulation and Parking. Adequate provision for safe and accessible off-road parking and loading space shall be made.

**E.** Landscaping and Screening. All parking and loading areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets. The general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees over eight (8) inches in diameter to the maximum extent possible.

**F.** Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent soil erosion and sedimentation of waterways.

**G.** Utilities and Municipal Services. Adequate provision shall be made for water supply and sewerage disposal, electrical service, and solid waste disposal. The proposed use shall not create a burden on municipal or county services.

**(3) Imposition of Conditions on Special Use Permits.**

The Zoning Board of Appeals shall, in the granting of special use permits, 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 said special use permit shall be in effect. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance, and shall be imposed for the purpose of minimizing any adverse impact such special use permit may have on the neighborhood or community.

**Section 208 Airport Approach Zone** The zoning map designates certain airport approach zones which cover parts of several zoning districts. Within this zone the primary use shall be to allow aircraft approach to military and civilian airports. Within this zone any uses that are or may be hazardous to low flying aircraft are prohibited - such as uses that might attract flocks of birds. All permitted uses within a district shall continue to be permitted with such uses in areas within the airport approach zone being of secondary nature to the primary use of the approach zone. Special care shall be taken in implementing secondary uses to minimize the possibility of conflicting problems such as noise from aircraft landing or taking off. An example of this might be to require certain soundproofing of buildings to be used or occupied by persons within this zone, not required for similar type buildings elsewhere.