

ARTICLE III GENERAL PROVISIONS

The following provisions shall apply to all districts except as otherwise indicated:

Section 301 Front Yard Setback Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than 50 foot right-of-way or where the right-of-way is not known, the front yard requirement shall be measured from the center line of the existing roadway and 25 feet shall be added to the front yard requirement.

Section 302 Lots in Two Zoning Districts Where a district boundary line divides a lot on record at the time such local law is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet (one hundred in rural lands districts) into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 303 Dwelling On Lots There shall be only one residential building on a lot unless otherwise permitted herein.

Section 304 Front Yards A yard adjoining a street shall be considered a front yard for the purposes of this ordinance.

Section 305 Projection in Yards Every part of a required yard shall be open from grade level to the sky, unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

Section 306 Location of Driveways All driveways are to be located at least seventy-five feet from a street line intersection for all uses except one- and two-family residential uses.

Section 307 Height Regulations

307.1 The Building Inspector may authorize a height in excess of 35 feet if the structure is any of the following, providing it does not constitute a hazard: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, silos, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, flag poles, and ski lift towers.

307.2 Except for the above purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Appeals. The Board of Appeals may authorize a variance to the height regulations in any district, providing such an increase will not be disruptive to the surroundings.

Section 308 Reduction of Lot Area No lot shall be so reduced in area, yards, lot width, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for a public purpose.

Section 309 Home Occupation

309.1 The home occupation shall be carried on by members of the family. Three on-premise employees who are not part of the family are permitted.

309.2 The home occupation shall be carried on within the principal or accessory structures.

309.3 Exterior displays or signs other than those permitted under Section 312, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

309.4 Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced.

309.5 No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

309.6 Parking shall be provided off-street and shall not be located in front yards except for the first three cars.

Section 310 Off-Street Parking Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. Public off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use but not exceeding 800 feet upon approval of the Zoning Board of Appeals.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Lodging House, Motel	1 for each rental unit plus provisions for employee parking
Residential	2 per dwelling unit
Church and School	1 per 6 seats in principal assembly room
Private Club or Lodge	1 per 4 members
Theater	1 per 6 seats
Hospital, Nursing and Convalescent Home	1 per 3 beds and 1 for each employee based on the expected average employee occupancy
Professional Office, Business Service, and Medical Clinic	1 for every 250 sq. ft. of gross leasable area
Eating and Drinking Establishment	1 for every 4 seats
Industrial	1 for each 1.2 employees, based on the highest expected average employee occupancy
Funeral Home	1 for each 75 sq. ft. of floor space in slumber rooms, parlors, and individual service rooms

Section 311 Off-Street Loading Off-street loading which is spaced logically, conveniently located for bulk, pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

Section 312 Signs Signs as defined in Article VI are specifically prohibited except as herein provided:

312.1 All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

312.2 In any district a sign not exceeding four square feet is permitted which announces the name, address, or professional or home occupation of the occupant of the premises on which said sign is located.

312.3 A bulletin board not exceeding twenty-four (24) square feet is permitted in connection with any church, school or similar public structure.

312.4 A temporary real estate or construction sign, not exceeding twenty-four (24) square feet is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

312.5 A business sign shall be permitted in connection with each legal business or industry located on the same premises, and meeting the following requirements:

1. Two signs are permitted for any legally established business, one free standing, the other attached to the building.

2. The primary purpose of the sign shall be for identification and not for advertising and may state only the owner, trade names, trade marks, products sold, and/or the business or activity conducted on the premises on which the sign is located.

3. Signs shall not be extended above the roof or parapet of the building. The height of a free standing sign shall not exceed 30 feet.

4. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.

5. Signs which are animated, gaudy, flashing, or with intermittent illumination are prohibited.

6. Signs shall not project over public right-of-way or property lines.

7. Sign size shall be in proportion to the land use, lot and building size but in no case exceed 1/2 square foot per linear foot of lot frontage. Maximum square footage of any sign shall be 100 square feet or a total of 150 square feet for the two signs.

312.6 Any sign which becomes in disrepair may be removed upon order of the Town Board if not repaired after 30 days notice. Any new sign must conform to all regulations.

312.7 Signs off-site may be permitted by the Board of Appeals for businesses, churches, or service organizations located in Peru only if necessary for directional purposes. Existing off-site signs (billboards) may be continued as a non-conforming use until the lease for them expires.

312.8 On-site and off-site signs may be permitted by the Board of Appeals for agricultural uses for the purpose of identification and location. These signs shall be of a seasonal temporary nature and be permitted for a period not to exceed three months.

SECTION 313 Performance Standards - Air Pollution, Noise and Fire Controls

313.1 It shall be unlawful within the Town of Peru for any person, owner, agent, operator, firm or corporation to permit or cause, suffer or allow the discharge, emission or release into the atmosphere from any source whatsoever of soot, fly ash, dust, cinders, dirt, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid gaseous matter or any other materials in such place, manner or concentration as to constitute atmospheric pollution.

313.2 Odor. Tanneries, stock yards, feedlots with a capacity in excess of 300 head, glue factories, oil refineries, soap factories, artificial gas manufacturers, rubber manufacturers, fertilizer manufacturers, and similar industries and businesses must present detailed plans for elimination of obnoxious odors to the Town Board before a permit is granted.

313.3 Noxious Gases: Detailed plans of any process likely to emit noxious gases must be presented to the Town Board, indicating elimination of such gases or fumes before permit is granted. A permit will not be required for agricultural uses.

313.4 Fire and Safety Hazards. Only buildings which are in conformity with the building and fire preventive code are permitted.

313.5 A maximum of 80 decibels at the property line shall not be exceeded. This regulation shall not apply to aircraft or farm equipment.

Section 314 Water Recreation and Water Storage Any facilities for water recreation such as private swimming pools, swimming clubs, and commercial fishing ponds, or any other water storage facilities such as reservoirs, fish hatcheries, outdoor water storage tanks, sewage lagoons, and farm ponds shall comply with the following requirements:

1. The facility shall conform with the setback requirements.
2. If prescribed by the Board of Appeals for safety reasons, the facility shall be enclosed by a fence no less than four feet high to prevent uncontrolled access by small children.
3. The facility, if operated to attract visitors, shall comply with parking requirements established by Section 310.
4. Before a permit shall be issued to the operator or owner of the non-residential facility a plan shall be submitted to the Board of Appeals showing size of facility, proposed use, parking arrangement and use of buildings on the site, surrounding properties and their usage, and any other pertinent information.

Section 315 Storage of Boats, Travel Trailers, Trucks, and Mobile Homes No boat, travel trailer or truck over one ton capacity shall be stored in the front yard in any residential district except in the driveway. In addition, when such boats or vehicles are stored elsewhere, they shall be stored in a manner that is not obnoxious and shall meet the set back requirements of the district. No mobile homes shall be stored in any residential district.

Section 316 Agriculture Agricultural uses shall comply with the following requirements:

316.1 Farm buildings, other than a dwelling, shall not be erected within one hundred (100) feet of a neighboring property.

316.2 Feed lots, fenced runs, pens, and similar intensively used facilities for animal raising and care shall not be located within one hundred (100) feet of a neighboring property, excluding pastures.

316.3 Roadside stands for sale of agricultural products shall be permitted if:

1. They are erected at least forty (40) feet back from the right-of-way;
2. They are used mainly for the sale of agricultural products grown locally;
3. Parking spaces are provided off the road right-of-way;
4. Signs shall conform to provisions set forth in Section 312.

Section 317 Temporary Residential Structures The Zoning Enforcement Officer may issue a permit for the erection or installation of a temporary structure, including single wide mobile homes and travel trailers, during the period that the construction of a single family home is in progress in accordance with the following regulations:

317.1 Location. The temporary structure shall be located on the site in compliance with the zoning district's area requirements.

317.2 Appearance Standards. The temporary structure shall retain its temporary appearance. Any hitch or axles or wheels shall not be removed; nor shall the structure be placed on a foundation. No additions or alterations may be made to the structure including decks, porches or expansions. No garage or carport may be constructed unless the roof has been completed on the permanent structure.

317.3 Services. The temporary structure shall be adequately serviced with water and sanitary sewer facilities approved by the appropriate state or local agency.

317.4 Time Limit. A permit for the temporary structure may be issued after the foundation of the proposed permanent structure has been constructed.

The temporary structure permit shall expire one year from the date of issuance. If, upon expiration of the permit, the permanent structure is not completed, the Zoning Officer may, for good cause shown, grant one six-month extension of the permit.

At the end of the one year permit, or eighteen months if an extension has been issued, the applicant shall remove the temporary structure from the site.

Section 318 Excavation, Removal and Filling of Lands The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products is hereby prohibited in any zoning district except upon issue of a permit by the Building Inspector and upon prior approval of the Zoning Board of Appeals or as otherwise provided for in this ordinance.

318.1 The Zoning Board of Appeals in granting any such permit may impose reasonable conditions protective of health, safety and welfare in the community and of individuals in the community. Without limiting the generality of the foregoing limitation, such conditions may include limitation of removal in respect to all or any of the following:

1. Extent of time
2. Area and depth of excavation
3. Steepness of slopes excavated
4. Distance between edge of excavation and neighboring properties or ways
5. Temporary or permanent drainage in a manner to be approved by the Town

Engineer

6. The posting of security or bond in a dollar amount to be determined by the Zoning Board on the advice of the Town Engineer, to be sufficient to guarantee fulfillment of conditions imposed

7. The replacement of not less than three (3) inches of topsoil over the whole of any area from which earth materials are removed where the location of such removal is afterward to become a residential subdivision.

318.2 No such permit shall be issued except upon written application thereof to the Zoning Board and until after a public hearing by the Zoning Board of Appeals on such application.

318.3 Such application shall include a diagram to scale of the land concerned, indicating existing and proposed elevations in the area to be excavated and stating the ownership and boundaries of the land for which such permit is sought, the names of all adjoining owners as found in the most recent tax list and the approximate locations of existing public and private ways nearest such land.

318.4 Notice of said public hearing shall be given by publication in a newspaper published in or of general circulation in Peru at least twelve (12) days before the date of such hearing.

318.5 Permit or Denial Promptly Mailed. A copy of any permit granted hereunder by the Zoning Board of Appeals stating all of the conditions imposed, if any, or a copy of the denial by the Zoning Board of Appeals of any such application stating the reasons for such denial, shall be mailed forthwith by the board to the parties in interest and to the Building Inspector.

318.6 Earth Removal Exceptions

1. The foregoing regulations shall be deemed not to prohibit such removal of soil, loam, sod, clay, sand, borrow, gravel or stone as may be incidental to and necessitated by any construction for which a building permit has lawfully been issued under the Zoning Ordinance of the Town of Peru, New York, prior to such earth material's removal.

2. The foregoing regulations shall also be deemed not to prohibit such removal from any lot or way of earth materials so far as may be necessitated by the construction or installation of utilities or other engineering works on such lot or in such way, or as may be necessitated in constructing ways, provided the layout lines and grades of such works have been duly approved by the Zoning Board of Appeals prior to such removal.

3. The foregoing regulations shall also be deemed not to prohibit removal, grading or transferring of any said materials from one part of a lot, tract or parcel of land in the same ownership.

4. The foregoing regulations shall also be deemed not to prohibit the removal of any or all of the above specified earth materials by any person, firm or corporation who on the effective date of this ordinance shall be lawfully engaged in the business of dealing in or with any such materials, or shall be a party to any agreement for the removal of any thereof, regardless of the annual average rate of any such removal.

Section 319 On-Site Sewer Systems

319.1 Septic Systems. Septic Tanks and drainage fields shall be so located on the lot as to be at least:

1. 100 feet from any water supply or surface water stream.
2. 20 feet from any residential dwelling.
3. 50 feet from lot line

319.2 Other types of on-site systems. The location of structures for other types of systems shall have the same setback requirements that are required for septic tanks. Any discharge pipe from such systems shall be so located as not to be a potential cause of pollution for any water supply.

319.3 Replacement of Existing Systems. This section shall not apply to replacement of existing systems.

Section 320 Burned Buildings No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure.

Section 321 Auto Service Stations In all districts where permitted, auto service stations shall comply with the following:

321.1 An auto service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institution

321.2 Lot size shall be at least 20,000 square feet.

321.3 Lot frontage shall be at least 150 feet.

321.4 Lot depth shall be at least 125 feet.

321.5 Pumps, lubricating and other service devices shall be located at least thirty feet from the front lot line and side and rear lot lines.

321.6 All fuel and oil shall be stored at least thirty-five feet from any property line.

321.7 All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.

321.8 No signs shall extend beyond the pumps, nor exceed fifteen feet in height.

321.9 There shall be only two access driveways from the street. The maximum width of each access driveway shall be forty feet. The location of the driveway shall comply with Section 306.

321.10 A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway.

Section 322 Abandonment of Structures Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 323 Flood Plain Areas

323.1 Flood Plain areas shall be designated by the Planning Board based on available information from state and federal agencies and known areas subject to flooding.

323.2 A map showing flood plain areas as designated by the Planning Board shall be filed with the Town Clerk.

323.3 Within these designated areas no permanent building except for incidental service type use limited to agricultural, forestry and outdoor recreational purposes.

Section 324 Housing for Agricultural Employees In any district a farm may have more than one dwelling on a lot provided that, all dwellings in excess on one dwelling are occupied by persons employed full-time in the agricultural enterprise on either a seasonal or year-round basis. Such dwellings may be mobile home dwellings.

If mobile homes are not permitted in the district where the farm is located, a building permit may not be issued without prior site plan approval pursuant to section 401 of this ordinance. The Planning Board may, as a condition of site plan approval, require that the mobile home be situated or screened so that it is not visible from a public street or highway, or from adjoining properties.

Section 325 Open Storage In any district open storage of equipment, major appliances, second hand lumber and similar materials and supplies will not be permitted except for on-lot bonified commercial and industrial operations and for agricultural purposes in connection with an operating farm unless such open storage is properly screened from the highway and nearby residents. Any existing open storage not conforming to the requirements of this section shall, within three years from the effective date of this ordinance, be brought to conformity.