

**ARTICLE IV
SPECIAL PROCEDURE AND PROVISIONS**

Section 401 Site Plan Review The Planning Board shall review all plans for all non-residential uses, public and semi-public buildings and multi-family residential units, whether or not such development includes a subdivision or resubdivision of a site. The construction of a residential single or two-family dwelling or farm building shall not be covered by this section.

Required site plans shall show all buildings, parking areas, signs and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. However, elevations for all signs shall be provided. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet or as required by the Board. The Planning Board shall follow the same procedures as for a special permit with the exception that a public hearing is not required but is optional. The Planning Board shall approve, approve with modification or disapprove the site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The following shall be used for guides to the Planning Board:

1. The proposed use, building, design and layout shall meet the provisions of the zoning ordinance and other regulations and ordinances of the Town of Peru and shall meet the intent of the comprehensive plan.

2. The proposed use, design and layout will be of such a location in such size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.

3. The proposed use and layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved. Factors for the Planning Board to consider in this determination are the turning movements in relation to traffic flow, proximity to and relationship to intersections, adequacy of sight distances, location and access of off-street parking, provisions for pedestrian traffic, and minimization of pedestrian-vehicular contacts.

4. The proposed location and height of buildings or structures, walls & fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site, nor unreasonably affect its value.

5. Signs shall be in accordance with the regulations of this ordinance and in addition shall be so designed and located as not to present a hazard, glare or unattractive appearance to either adjacent property or to motorists.

Section 402, Cluster Development As provided for in Section 281 of the Town Law, the Planning Board is authorized to modify the provisions of other sections of this Zoning Ordinance according to the procedure and standards outlined in this section.

Proposals for Cluster Development Projects shall be submitted to the Building Inspector who shall submit copies to the Planning Board. The Planning Board shall have 30 days to review the plans. The material accompanying the proposal shall contain the following:

Required site plan shall show all buildings, parking areas, signs and landscaping at a scale sufficient to permit the study of all elements of the plan. All utilities shall also be shown and described. Typical elevations and floor plans of all buildings may also be required. However, elevations for all signs shall be provided. In addition, the site plans shall show the adjacent building outlines and other outstanding features within 200 feet.

The Planning Board shall, after due public hearing, approve or deny the proposal. Approval by the Planning Board, however, does not eliminate the necessity of the Town Board to approve the provisions for the maintenance and upkeep of common or public land and facilities within the project. Any development contrary to the approved plan shall constitute a violation of this ordinance. This shall be done simultaneously with the approval by the Planning Board, of the subdivision plat.

402.1 The purpose of Cluster Development shall be to encourage a development which will result in:

1. A choice in the types of environment and living units available to the public, and quality in residential land uses so that development will be a permanent and long-term asset to the Town.

2. Open space and recreation areas.

3. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion.

4. An efficient use of land resulting in smaller networks of utilities and streets.

5. An environment in harmony with surrounding development.

6. A more desirable environment than would be possible through the strict application of other sections of the ordinance.

402.2 The area of the land to be developed shall not be less than ten contiguous acres in H-2 and H-3; 25 contiguous acres in RL-1 and RL-2 and 100 contiguous acres in RL-3.

402.3 The predominant use of the land shall not differ from the uses permitted in the district in which the plan is located. In a cluster development, dwelling units may be multi-family.

402.4 Lot size, width, front yard depth, and side yard requirements may be waived; however, these will be evaluated by the Planning Board on individual merit.

402.5 Cluster Development shall comply with the following standards:

1. The number of dwelling units shall not be greater than would otherwise be permitted in the district.

2. Off-lot water and sewer shall be provided if for over ten dwelling units.

3. At least sixty (60) percent (30 percent in hamlet districts) of the development shall be in open space for common usage. The regulations for control and maintenance of this common space shall be approved by the Planning Board.

Section 403 Special Minimum Lot Size Provisions In RL-2 and RL-3, notwithstanding any other provisions of this ordinance, a lot of record at the time of the adoption of this ordinance that exceeds the lot acreage requirements by at least two acres may be divided with one of the resulting lots having a minimum lot area of two acres.

Section 404 Planned Unit Development The Planned Unit Development regulations are intended to provide for new residential uses and supporting commercial uses in which economies of scale, or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of this ordinance. In no case shall the regulations of this section be so interpreted as to circumvent the benefits of this ordinance for the owners or residents of such development, or the owners or residents of adjacent properties.

404.1 The purpose of Planned Unit Development shall be to encourage development which will result in:

1. A choice in the types of environment and living units available to the public and quality in residential land uses so that development will be a permanent and long-term asset to the Town.

2. Open space and recreation areas.
3. A pattern of development which preserves trees, outstanding natural topography and geological features and prevents soil erosion.
4. An efficient use of land resulting in smaller networks of utilities and streets.
5. An environment in harmony with surrounding development.
6. A more desirable environment than would be possible through the strict application of other sections of the zoning ordinance.
7. A development that meets the intent of the comprehensive plan.

404.2 Establishment of a Planned Unit Development District Application for the establishment of a Planned Unit Development District by amendment of the Town Zoning Ordinance shall be made in writing to the Town Board. Application shall be made by the owner(s) of the land(s) to be included in the district, or by a person or persons holding an option to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence with the application.

The Town Board shall refer the application to the Planning Board. The Planning Board shall require such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this ordinance to protect the established or permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. The Planning Board shall notify the applicant of such changes and may discuss the changes with the applicant.

The Planning Board shall approve, approve with modifications, or disapprove the application and shall report its findings to the Town Board. Planning Board approval of the preliminary plans shall not constitute nor imply approval of a building project for the area included in the application.

Following receipt of the report of the Planning Board, the Town Board shall hold a public hearing on the application. The Town Board shall then either amend the ordinance to establish the Planned Unit Development District or reject the application.

404.3 Planned Unit Development Standards In all Planned Unit Developments the following standards shall apply:

1. The area of land to be developed shall not be less than 200 acres.
2. All Planned Unit Development shall comply with the intent of the Town Comprehensive Plan. The predominant use of the land shall not differ substantially from the uses permitted in the immediate vicinity. No more than 5 percent of the gross area shall be for commercial uses to serve the development.
3. All Planned Unit Developments shall have a gross maximum density of one family per 5,000 square feet in the hamlet districts and one family per 20,000 square feet in the rural land districts.
4. At least 60 percent of the Planned Unit Development shall be retained in open space for common enjoyment and/or usage under regulations and conditions approved by the Planning Board.
5. Off-lot water and sewer shall be provided for a development of over ten dwelling units.

404.4 Required Data The applicant shall furnish with the petition for the desired zoning change basic data including a map showing the boundaries of the proposed Planned Unit Development District, existing zoning, topography, drainage and soil conditions, and such preliminary plans as may be required for an understanding of the proposed development.

Section 405 Mobile Homes

405.1 Legislative Findings The Town Board finds:

1. That many young persons and older persons living on fixed incomes wish to reside within the Town of Peru and are unable to afford the cost of conventionally build housing.

2. That mobile homes, both single and double wide, are relatively less expensive than conventionally built housing and meet a housing need.

3. That to meet the aforesaid housing need and to preserve the property values of all property owners, it is necessary to adopt regulations governing the location and installation of mobile homes.

405.2 Establishment of Mobile Home Zones The Town of Peru is hereby divided into the following classes of Mobile Home Zone Districts which shall overlay the underlying zone districts created by Section 201 of this ordinance. A property owner may use his property for those permitted uses and special permitted uses allowed in the underlying zone and the overlay zone created by this section.

1. Mobile Home-0 (MH-0)
Permitted Uses-None
2. Mobile Home-1 (MH-1)
Permitted Uses:
 - A. Mobile Home-Double Wide
3. Mobile Home-2 (MH-2)
Permitted Uses:
 - A. Mobile Home-Double Wide
 - B. Mobile Home-Single Wide
4. Mobile Home-3 (MH-3)
Permitted Uses:
 - A. Mobile Home-Double Wide
 - B. Mobile Home-Single Wide
 - C. Mobile Home-Park

405.3 Mobile Home District Map The boundaries of the Mobile Home Zone Districts are hereby established on a "Mobile Home Zone District Map" kept on file and available for public viewing in the office of the Town Clerk of the Town of Peru.

405.4 Minimum Area, Dimension, Yard Setbacks and Separation Requirements No mobile home shall be placed or erected, nor shall any existing mobile home be altered, enlarged or moved in any manner not in conformity with the lot area, lot area per family, lot coverage, open space, yard requirements and other open space and area regulations imposed for single-family dwellings in the underlying zone.

405.5 Mobile Home Site Standards All mobile home sites shall meet the following standards:

1. All mobile homes shall be located where grades and soil conditions are suitable for use as a mobile home site. Soil erosion standards of this ordinance shall apply. Grades shall not be more than 8%.

2. All mobile homes shall be located on a well-drained site which is properly graded to insure rapid drainage and to be free at all times from stagnant pools of water. Grades shall not be less than 3%.

3. No mobile home shall be located within the flood plain as defined by the U.S. Department of Housing and Urban Development flood insurance maps.

405.6 Installation Standards for Single Wide Mobile Homes Outside Mobile Home Parks All single wide mobile homes located on lots outside a Mobile Home Park shall be installed and improved in accordance with the following standards:

1. All single wide mobile homes shall be placed on a block or masonry foundation wall, or on a concrete slab and supported by columns of sufficient size, and number to adequately support the mobile home, provided that, the space between the frame of the mobile home and the ground level shall be enclosed with a weather resistant, residential siding material.

2. The hitch or tongue of the mobile home shall be removed upon installation.

3. The mobile home shall be placed on the lot so that its long axis is parallel to the street. The building inspector may permit the placement of the mobile home so that the long axis is perpendicular or diagonal to the street, if at the time the home is installed a building permit has been issued for the construction of a habitable addition that will cause the short axis of the home plus the addition to be at least one-half the length of the long axis.

4. All fuel supply tanks shall be installed in the rear yard.

5. Any addition or attached garage, shall be covered with an exterior siding of a type normally used in residential construction.

6. All required improvements shall be completed within the time allowed under the building permit issued for the improvement.

405.7 Installation Standards for Double Wide Mobile Homes Outside a Mobile Home Park All double wide mobile homes located on lots outside a Mobile Home Park shall be installed and improved in accordance with the following standards:

1. The roof on the mobile home's main structure shall be double-pitched at least two in twelve or greater and covered with standard residential roofing material, excluding corrugated fiberglass.

2. Exterior siding shall not have a high-gloss finish and shall be residential in appearance, including but not limited to, clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes or similar material, but excluding smooth, ribbed or corrugated fiberglass, metal or plastic panels, and plywood chipboard.

3. The mobile home unit shall be placed on a permanent foundation that complies with the Town's building code for residential structures.

4. The mobile home's hitch, axles and wheels shall be removed.

5. The mobile home lot shall be suitably graded and seeded as weather permits.

6. All fuel supply tanks shall be installed in the rear yard.

7. If a garage or carport is constructed, the exterior siding and roofing material on the garage or carport shall complement that of the dwelling unit.

8. Enclosed additions or enlargements to the mobile home shall be covered with an exterior siding material as required in #2 above. All additions shall be completed within two (2) years.

405.8 Non-Conforming Mobile Homes Any lawful use of land improved with a mobile home at the time of enactment of this ordinance may be continued although such use of land does not comply to the provisions hereof. Such mobile home may be replaced with a mobile home that meets the fire, safety and electrical standards for new mobile homes that are in effect at the time of the replacement. All replacement mobile homes shall comply with the site, installation and other standards of this ordinance.

Any land improved with a mobile home under a special use permit shall remain subject to the terms and conditions of such permit.