

ZONING BYLAW

Town of Peru, Vermont

ORIGINALLY ADOPTED 19 AUGUST 1971

AMENDED 16 FEBRUARY 1981

AMENDED 16 JANUARY 1990

AMENDED 22 JUNE 1993

AMENDED 10 FEBRUARY 2003

AMENDED 14 JANUARY 2009

AMENDED 19 MAY 2010

The invalidity of any article or section of this bylaw shall not invalidate any other article or section thereof, nor the application of any provision of this ordinance to any other particular land, building, structure or use.

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1.0 GENERAL PROVISIONS

1.1 PURPOSE:

The purpose of this zoning bylaw is to provide for the orderly growth of the Town of Peru; to promote the health, safety and welfare of the citizens and other residents of Peru; to protect and preserve the value of property in Peru; to maintain a high-quality natural environment; to preserve and protect the town's historic features; to further the purposes of the Town Plan; and to further the purposes of 24 V.S.A. Chapter 117 as amended.

1.2 APPLICATION OF BYLAW:

No land development as defined in section 7.0 (PG.37) of this bylaw may commence except in conformance with this bylaw. Any use not expressly permitted in any district is prohibited in that district. This bylaw shall not repeal, annul, or in any way impair any permit previously issued.

1.3 AMENDMENT OR REPEAL:

Zoning amendments for areas other than the Ski Village Planning Area, or other provisions of the zoning bylaw will be prepared in accordance with the requirements of 24 V.S.A. Chapter 117.

Zoning amendments for any parcel of land within the Ski Village Planning Area, as defined in the Town Plan, except as required by the provisions of 24 V.S.A. Chapter 117, will require the submission of a master development plan by the owners or controllers of the property to be affected. Approval of the master development plan by the Planning Commission will be determined by the plan's adherence to the guidelines for development of the Ski Village Planning Area as established in the Town Plan. If the master plan is approved by the Planning Commission, and if zoning amendments are required, the Planning Commission will begin immediately to prepare zoning amendments for public hearing in accordance with the provisions of 24 V.S.A. Chapter 117.

2.0 ZONING DISTRICTS

2.1 ESTABLISHMENT OF ZONING DISTRICTS:

The Town of Peru is hereby divided into the following districts:

RURAL RESIDENTIAL .5 DISTRICT [RR .5]
RURAL RESIDENTIAL 2 DISTRICT [RR 2]
RURAL RESIDENTIAL 5 DISTRICT [RR 5]
PERU VILLAGE DISTRICT [PV]
COMMERCIAL RECREATION DISTRICT [CR]
FOREST RECREATION DISTRICT [FR]
ROUTE 11 CORRIDOR OVERLAY DISTRICT
PERU VILLAGE HISTORIC OVERLAY DISTRICT

The location and boundaries of the zoning districts are established and shown on the zoning map (page 3). Any amendment to this bylaw that requires a change in the zoning map shall become effective on the date set by applicable State Statute. The original map shall be located in the office of the Town Clerk and shall be the final authority as to the location and boundaries of zoning districts.

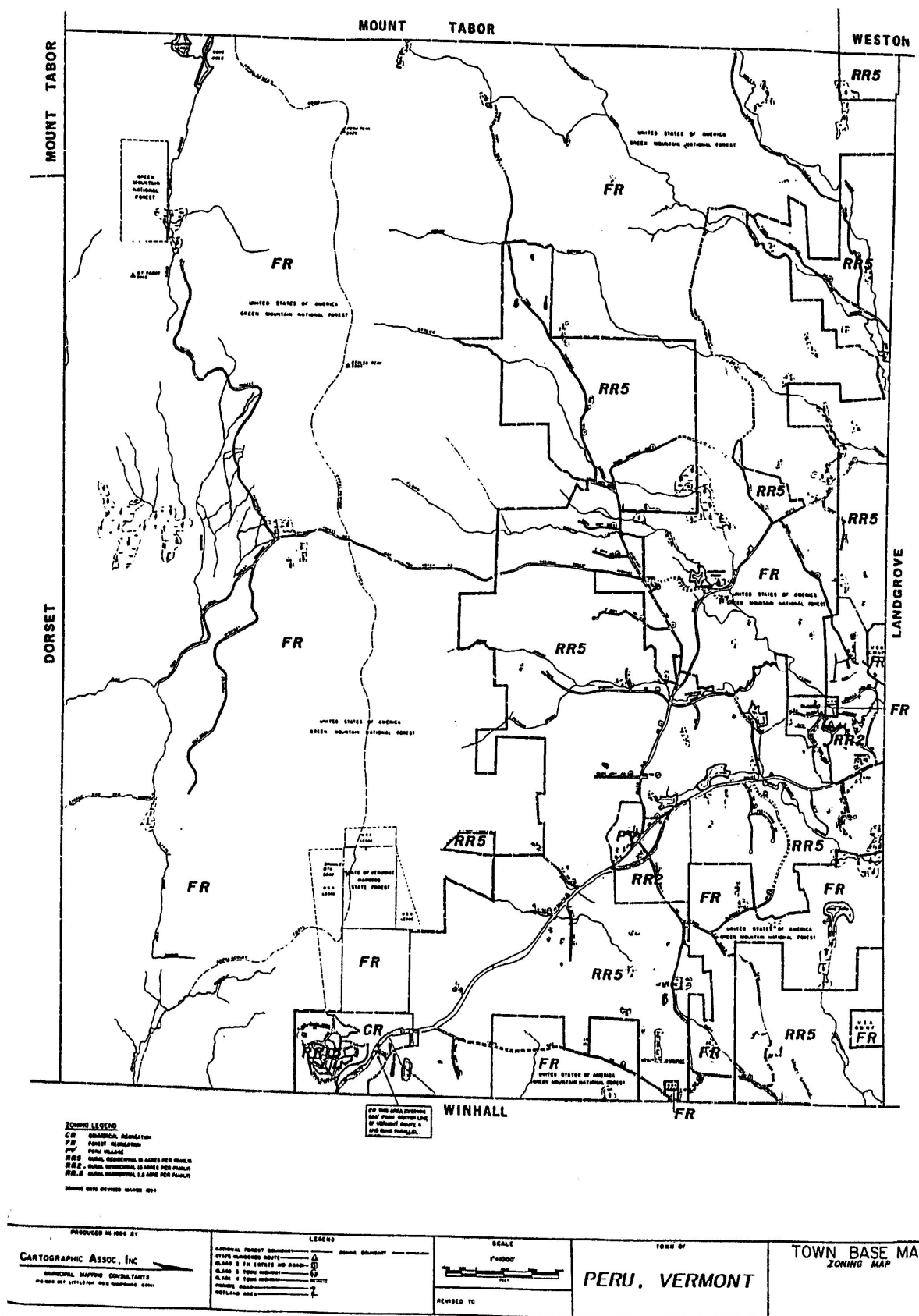
2.2 ZONING DISTRICT BOUNDARIES:

If the location of a boundary is uncertain, then the following rules shall apply:

1. A boundary indicated as approximately following the centerline of a road, stream, or right of way shall be construed to follow such centerline.
2. A boundary indicated as approximately following a lot line shall be construed as following such lot line.
3. A boundary indicated as following a shoreline shall be construed as following the shoreline at the normal mean water level.
4. A boundary indicated as following a contour line showing elevation shall be construed as following such contour line.
5. Where there is a dispute as to where a boundary lies, the location of the boundary shall be determined by the Planning Commission based on surveys and such other evidence of location.

Whenever a district line passes through an existing lot and creates a parcel which is smaller than permitted in the district in which it lies, it shall be considered to lie in the same district as the larger portion of the entire lot for dimensional requirement purposes only. The density requirements of the governing district shall apply to the entire lot. A structure may be placed anywhere on such lot, provided it conforms to the dimensional requirements of the governing district.

If a district line passes through a lot, under no circumstances shall uses be permitted to overlap the district boundaries.



3.0 ZONING DISTRICTS BYLAWS

3.1 RURAL RESIDENTIAL .5 DISTRICT (RR .5):

3.1.1 PURPOSE: To provide for accommodation units for visitors and seasonal residents convenient and accessible to the Bromley Ski Area at a density that considers the capability of the land to support development and that is appropriate for a rural ski village.

3.1.2 PERMITTED USES: The following uses are permitted within the RR .5 District:

- 1 Single and two-unit dwellings
- 2 Municipal recreation facilities
- 3 Public utility uses
- 4 Private clubs not conducted for profit; fraternal organizations
- 5 Snow ski areas and accessory uses clearly incidental to winter skiing
- 6 Outdoor recreational activities not involving the construction of a structure
- 7 Accessory uses customarily incidental to the above uses

3.1.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Multi-unit dwellings
- 2 Boarding houses
- 3 Outdoor recreational activities, involving the construction of a structure

3.1.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|--|---------|
| 1 | Minimum lot size per dwelling or non-residential use | .5 acre |
| 2 | Minimum front setback | 50 feet |
| 3 | Minimum side and rear setback | 25 feet |
| 4 | Minimum frontage | 50 feet |
| 5 | Maximum building height | 35 feet |
| 6 | Maximum building coverage | 15% |

3.0 ZONING DISTRICTS BYLAWS

3.2 RURAL RESIDENTIAL 2 DISTRICT (RR 2):

3.2.1 PURPOSE: To provide opportunities for convenient and accessible housing around the Village, to reinforce historic settlement patterns in the town, to enable residential development to occur where existing small lots predominate and safe and adequate sewage disposal is possible, and to minimize adverse impacts on traffic conditions, the environment, and the scenic beauty and rural character of the Town.

3.2.2 PERMITTED USES: The following uses are permitted in the RR 2 District:

- 1 Single and two-unit dwellings
- 2 Agriculture
- 3 Forestry
- 4 Municipal recreation facility
- 5 Public utility uses
- 6 State and community owned and operated institutions and facilities
- 7 Public and private educational institutions
- 8 Churches, convents, and parish houses
- 9 Private clubs not conducted for profit, and fraternal organizations
- 10 Outdoor recreational activities not involving the construction of a structure.
- 11 Accessory uses customarily incidental to the above uses.

3.2.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Boarding house
- 2 Bed and breakfast
- 3 Outdoor recreation activities involving the construction of a structure
- 4 Multi-family dwelling in a PRD only

3.2.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|---|---------|
| 1 | Minimum lot size per dwelling unit or non-residential use | 2 acres |
| 2 | Minimum front setback | 50 feet |
| 3 | Minimum side and rear setback | 25 feet |
| 4 | Minimum frontage | 75 feet |
| 5 | Maximum building height | 35 feet |
| 6 | Maximum building coverage | 15% |

3.0 ZONING DISTRICTS BYLAWS

3.3 RURAL RESIDENTIAL 5 DISTRICT (RR 5):

3.3.1 PURPOSE: To permit low-density residential development only where it can overcome physical constraints to development and is consistent with objectives to protect significant natural and scenic resources, and to minimize development remote from town services.

3.3.2 PERMITTED USES: The following uses are permitted in the RR 5 District:

- 1 Single and two-unit dwellings
- 2 Agriculture
- 3 Forestry
- 4 Municipal recreation facility
- 5 Public utility use
- 6 Boarding house
- 7 Bed and Breakfast
- 8 Churches, convents, and parish houses
- 9 Outdoor recreation activities not involving the construction of a structure
- 10 Multi-family dwellings where approved in a PRD only
- 11 Accessory uses customarily incidental to the above uses.

3.3.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Snow ski areas and accessory uses clearly incidental to winter skiing
- 2 Outdoor recreational activities involving the construction of a structure
- 3 Inns
- 4 Light industry, only with direct vehicular access onto a paved public road
- 5 Sanitariums, hospitals, nursing homes, rest homes, and philanthropic institutions
- 6 Public and private educational institutions, nursery schools and day care facilities.

3.3.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|--|----------|
| 1 | Minimum lot size for dwelling unit or non-residential use
(except as noted under 3.3.5) | 5 acres |
| 2 | Minimum front setback | 50 feet |
| 3 | Minimum side and rear setback | |
| | Residential | 50 feet |
| | Non-residential | 75 feet |
| 4 | Minimum frontage | 200 feet |
| 5 | Maximum building height | 35 feet |
| 6 | Maximum building coverage | 15% |

3.3.5 SUBDIVISION REQUIRING A PLANNED RESIDENTIAL DEVELOPMENT (PRD):

PURPOSE: This requirement is designed to provide flexibility in land development within the RR 5 District and recognizes the variety in land capability for development for parcels of land in this district. The requirement is intended to ensure the protection of critical natural resources, including agricultural land, productive woodland, wetlands, wildlife habitat, water bodies, and high elevations; to prevent development where there are severe limitations for sewage disposal; to prevent development in hazardous areas, including flood plains and steep slopes; to preserve the scenic beauty of the town; and to limit development according to the town's ability to provide services.

3.0 ZONING DISTRICTS BYLAWS

3.3.5 SUBDIVISION REQUIRING A PRD (CONT'D.)

APPLICATION: After the division of any parcel of land into three lots, any further subdivision within a period of ten (10) years will require review and approval under the following special PRD provisions. These provisions are in addition to the standards and procedures for PRDs under section 4.6 (PG.21) of this bylaw.

DENSITY DETERMINATION: The following land will not be counted for determining allowable density:

- 1 Soils with severe limitations for on-site sewage disposal
- 2 Wetlands
- 3 Flood hazard areas
- 4 Natural water bodies (excluding streams)
- 5 Slopes of 25% grade or greater
- 6 Elevations in excess of 2,500 feet above mean sea level

The locations of the above types of land may be determined from maps adopted in the Town Plan. Alternatively, applicants for PRDs may submit more detailed information based on on-site studies acceptable to the Planning Commission. This information will be used to determine the allowable density restrictions mentioned above.

DIMENSIONAL REQUIREMENTS:

- | | | |
|---|---|------------------|
| 1 | Maximum overall density on entire parcel
(except lands listed under DENSITY DETERMINATION) | 5 acres per unit |
| 2 | Maximum density on any one acre | 2 units |
| 3 | Front setback of project | 100 feet |
| 4 | Side and rear setback of project | 100 feet |

OTHER STANDARDS:

- 1 Buildings and roadways will be located so as to retain the maximum possible meadow land on the parcel for productive agricultural use and for its scenic value. Assurances as to how existing open land will be maintained in its current condition will be required.
- 2 Developments will comply with the Town Plan's General Policies on the Environment.
- 3 Buildings and roadways will be located so as to minimize the disruption to the scenic quality of the parcel.
- 4 The scale, density, and design of the buildings will be consistent with the rural character and historic pattern of development of the town.
- 5 Development immediately adjacent to a deeryard identified in the Town Plan shall be designed, sited, and undertaken in a manner compatible with the continued viability of the deeryard. Land development within a deeryard shall be permitted only where the Planning Commission makes the following findings:
 - [1] The parcel on which the development is proposed includes no land that is practical for development except that which is deeryard.
 - [2] The proposed development can be designed, sited, and undertaken in a manner that minimizes the impact of the development on the continued viability of the deeryard.
- 6 Proposals for development involving or adjacent to an identified deeryard shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife, and shall provide evidence of such consultation.

3.0 ZONING DISTRICTS BYLAWS

3.4 VILLAGE DISTRICT (PV):

3.4.1 PURPOSE: The purpose of the Peru Village District is to maintain Peru Village as the center of the town and to serve as the commercial service and administrative center for Peru residents. In order to preserve and enhance the historic structures that are located in the village, a Historic Overlay District has been established (refer to section 3.8, page 15). The district will provide for a mixture of uses that are small in scale and designed primarily to accommodate the needs of residents and secondarily the needs of tourists. Large traffic-generating uses, such as drive-in banks and fast food restaurants are not consistent with the purposes of this district.

3.4.2 PERMITTED USES: The following uses are permitted within the PV District:

- 1 Single and two-unit dwellings
- 2 Municipal buildings and public outdoor recreation facilities
- 3 Public and private educational institutions and day care facilities
- 4 Churches, convents, and parish houses
- 5 Private clubs not conducted for profit, and fraternal organizations
- 6 Boarding house
- 7 Bed and breakfast
- 8 Retail store up to 3000 SF
- 9 Professional, business, or personal service office up to 3000 SF
- 10 Mail order catalogue facility not exceeding 2000 SF
- 11 Mixed use building not exceeding 3000 SF
- 12 Museum or gallery
- 13 Cemetery
- 14 Accessory uses customarily incidental to the above uses

3.4.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Retail store greater than 3000 SF but not to exceed 5000 SF
- 2 Professional, business, or personal service office greater than 3000 SF but not to exceed 5000 SF
- 3 Restaurant (maximum capacity of 50 seats) excluding fast-food or drive-in restaurants
- 4 Inn not exceeding 5 accommodation units per acre
- 5 Mixed use building greater than 3000 SF but not to exceed 8000 SF
- 6 Bank up to 3000 SF, excluding a drive-in window

3.4.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|---|---------|
| 1 | Minimum lot size per dwelling unit or non-residential use | 2 acres |
| 2 | Minimum front setback | 30 feet |
| 3 | Minimum side and rear setback | 25 feet |
| 4 | Minimum frontage | 75 feet |
| 5 | Maximum building height | 35 feet |
| 6 | Maximum building coverage | 15 % |

3.0 ZONING DISTRICTS BYLAWS

3.5 COMMERCIAL RECREATION DISTRICT (CR):

3.5.1 PURPOSE: To provide for commercial services and recreation facilities to serve tourists, seasonal residents and employees within a ski village setting at the base of the Bromley Ski Area at a scale and in a pattern consistent with the rural character and quality of the environment of the Town of Peru.

3.5.2 PERMITTED USES: The following uses are permitted in the CR District:

- 1 Single or two-unit dwelling
- 2 Municipal buildings and public outdoor recreation facilities
- 3 Private clubs not conducted for profit, and fraternal organizations
- 4 Boarding house
- 5 Bed and Breakfast
- 6 Retail store up to 5000 SF
- 7 Professional, business, or personal service office up to 5000 SF
- 8 Mail order catalogue facility not exceeding 4000 SF
- 9 Museum or gallery
- 10 Indoor recreation facility not exceeding 20000 SF
- 11 Restaurant/bar of up to 50 seats in capacity.
- 12 Multi-unit dwelling in a PUD or PRD only
- 13 Mixed-use building in a PUD only
- 14 Outdoor recreation facility
- 15 Accessory uses customarily incidental to the above uses
- 16 Accessory uses clearly incidental to winter skiing up to and including 1000 SF

3.5.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Retail store, professional, business, or personal service office greater than 5,000 SF but not to exceed 10000 SF
- 2 Restaurant exceeding 50 seats in capacity
- 3 Indoor recreation facility exceeding 20000 SF
- 4 Building trades facility
- 5 Inn
- 6 Snow ski areas
- 7 Accessory uses clearly incidental to winter skiing exceeding 1000 SF

3.5.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|--|----------|
| 1 | Minimum lot size per dwelling unit, commercial use, or other use | 2 acres |
| 2 | Minimum lot area per commercial accommodation unit | 7000 SF |
| 3 | Minimum front setback | 75 feet |
| 4 | Minimum setback from edge of Route 11 right of way | 100 feet |
| 5 | Minimum side and rear setbacks | 25 feet |
| 6 | Minimum frontage requirement | 200 feet |
| 7 | Maximum building height | 35 feet |
| 8 | Maximum building coverage | 15% |
| 9 | Maximum number of commercial accommodation units per acre | 6 |

3.0 ZONING DISTRICTS BYLAWS:

3.5.5 OTHER DISTRICT REGULATIONS:

- 1 All sewage from uses within this district except single- or two-unit dwellings on lots 5 acres in size or greater shall be connected to a community sewage disposal system.
- 2 All uses requiring water, except single- or two-unit dwellings on lots 5 acres in size or greater shall be connected to a community water supply system.

3.5.6 PLANNED UNIT AND PLANNED RESIDENTIAL DEVELOPMENTS IN THE CR DISTRICT: Planned unit and planned residential developments are permitted in the district provided the requirements of sections 4.6 (PG.21) and 4.7 (PG.24) and the following regulations are met:

- 1 Any permitted or conditional use is allowed within a PUD; any residential and outdoor recreation use is allowed within a PRD.
- 2 The timing of commercial and residential development within the PUD or PRD is balanced with the provision of a mixture of uses, support services, and facilities; is consistent with the ability of the municipality to provide facilities and services, including administrative services; protects the character of the town by providing a reasonable growth rate; and is balanced with progress in establishing permanent greenbelt areas as designated in the Town Plan.
- 3 For all community sewage disposal and water supply systems serving the PUD or PRD, the Town has been provided with financial-liability protection to ensure successful installation and operation of the system and the applicant has demonstrated that adequate funds will exist to operate and maintain the system.
- 4 For all development roads serving the PUD or PRD, the Town has been provided with financial-liability protection to ensure successful installation of the roads and the applicant has demonstrated that adequate funds will exist to maintain the roads.
- 5 Fire protection services will be adequate to serve the development.
- 6 Access onto Route 11 will be limited to existing curb cuts unless a relocation of or addition to these curb cuts would enable improved traffic safety and flow conditions; any parcel of land in separate and unaffiliated ownership as of the date of adoption of these regulations with no point of access onto Route 11 will be entitled to one curb cut unless reasonable access is possible on a secondary road, in which case access will be limited to a curb cut on that secondary road.
- 7 Meadow land along the Route 11 corridor in this district owned or controlled by the applicant will be protected as a result of the project
- 8 Commercial and high density residential uses shall be buffered from surrounding lower density residential uses by setbacks and landscaping.
- 9 Additional density regulations:
 - a overall density; See 3.5.4 (PG.10)
 - b maximum density per acre: dwelling unit 6
commercial accommodation unit 12
 - c a 25% density bonus may be provided to developers who have demonstrated they have made provisions for commercial labor force housing either within the PUD or PRD or elsewhere in the Town. The number of affordable housing units provided for must equal at least 15% of the number of units applied for (not including the bonus) in order to qualify for the bonus. The bonus may be provided at the discretion of the planning commission and will only be provided when all PUD and PRD standards are complied with.

3.0 ZONING DISTRICTS BYLAWS:

3.5.6 PLANNED UNIT AND PLANNED RESIDENTIAL DEVELOPMENTS IN THE CR DISTRICT (CONT'D.):

- 10 Regardless of the zoning regulations which the Planning Commission may permit to be modified in order to allow for a greater concentration of density within some sections of the development, the following requirements must be met in all PUDs or PRDs:
 - [1] The density requirements under 9 (page 11)
 - [2] The 100 foot setback requirement from the edge of the Route 11 right of way.
- 11 Every effort will be made to create a lively and attractive ski village at the base of the Bromley Ski Area which offers convenient services for visitors and facilitates pedestrian circulation. In the core area setback and frontage requirements may be reduced, as approved by the Planning Commission, in order to achieve a village environment consistent with historic Vermont villages. Sidewalks will be required as needed to serve pedestrians.

3.6 FOREST RECREATION [FR]:

3.6.1 PURPOSE: To provide opportunities for natural resource protection and use, including the preservation of large tracts of forest resource lands and the protection of vital watersheds; to provide public recreation opportunities; and to insure that activities occurring on public lands do not overburden town services, including roads, rescue, fire prevention, and solid-waste disposal.

3.6.2 PERMITTED USES: The following uses are permitted within the FR District:

- 1 Commercial forestry and related uses
- 2 Temporary accommodations for personnel employed in a commercial forestry operation
- 3 Snow ski areas and accessory uses clearly incidental to winter skiing
- 4 Outdoor recreational activities not involving the construction of a structure

3.6.3 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Hiking or ski-touring shelters operated by a governmental unit or private non-profit organization
- 2 Private hunting and recreational camps of a seasonal nature and not suitable as permanent dwellings
- 3 Outdoor recreational activities involving the construction of a structure
- 4 A restaurant, the patrons of which gain access by means other than a public or private road

3.6.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|---|----------|
| 1 | Minimum lot size | 25 acres |
| 2 | Minimum setback from Long Trail (Appalachian Trail) | 200 feet |
| 3 | Minimum setback from other public highways and property lines | 200 feet |
| 4 | Maximum height for buildings or structures other than ski lifts | 25 feet |

3.0 ZONING DISTRICTS BYLAWS:

3.7 ROUTE 11 CORRIDOR OVERLAY DISTRICT:

3.7.1 **PURPOSE:** The purpose of the Route 11 Corridor Overlay District is to maintain the area along the roadway from Bromley Ski Village to east of Peru Village as a permanent greenway; to facilitate traffic flow along the arterial highway of Route 11 and minimize points of access; to prevent the scattering or spreading of commercial and residential development in a linear pattern along the corridor; and to preserve scenic vistas, views, and meadow lands.

3.7.2 **APPLICATION OF REGULATIONS:** The Route 11 Corridor Overlay District regulations apply to all uses allowed within the districts which this overlay covers. The dimensional requirements of those districts shall apply to the uses unless the Route 11 Corridor Overlay District regulations are more restrictive in which case they shall apply. In addition all land development shall meet the requirements set forth in sections 3.7.3, 3.7.4, and 3.7.5. The Peru Village Historic Overlay District supersedes the Route 11 Corridor Overlay District in the Peru Village.

3.7.3 **ROUTE 11 ACCESS REQUIREMENTS:** These regulations shall apply to all land development, including the division of land into two or more parcels, on properties with frontage on Route 11. For the purposes of this section, a property having frontage on Route 11 is defined to be one or more contiguous parcels under common ownership at the effective date of this amendment to the Peru zoning bylaw, which has any property line coterminous with a right-of-way line of Route 11. If any of the contiguous parcels under common ownership as defined above also have frontage on a secondary road which intersects with Route 11, the property is deemed to have access to Route 11 and to the secondary road.

- 1 Properties having frontage on Route 11 and no frontage on a secondary road shall be allowed one access point on Route 11. Said access point shall be located and designed so as to provide access to the entire property.
- 2 Properties having frontage on Route 11 and on a secondary road shall be required to locate all access points on the secondary road, except where the Planning Commission determines that the topographical and natural conditions of the site make such location impracticable. Such access points shall be located and designed to provide access to the entire property.
- 3 On either Route 11 or secondary roads carrying through traffic, common access points serving multiple properties are encouraged. Land development shall be planned to consider future access connections to adjacent property.
- 4 Developments shall be designed, where possible, to minimize curb cuts onto Route 11.

3.7.4 DIMENSIONAL REQUIREMENTS:

- | | | |
|---|--|----------|
| 1 | Front setbacks from the edge of the Route 11 right of way: | |
| | Single and two-unit dwellings | 100 feet |
| | All other uses | 200 feet |

3.7.5 **LANDSCAPING AND SCREENING REQUIREMENTS:** Vegetative screening between buildings and the Route 11 right-of-way shall be retained, unless removal of vegetation would improve the views of meadow land and mountain vistas for the traveling public.

3.0 ZONING DISTRICTS BYLAWS

3.7.6 DENSITY BONUS FOR PUDs AND PRDs: The planning commission may grant a density bonus (up to the maximum 25%) to PUD and PRD applicants who, in addition to all other standards for these developments, meet the following conditions:

- 1 Meadow land offering scenic views and vistas to the traveling public is protected through the dedication of land or interests in land to a land trust, the municipality, or a non-profit conservation organization as a result of the development; or
- 2 The development improves the traffic conditions on Route 11 over existing conditions and offers an exemplary traffic control and management plan through its interior road system and access plan to Route 11 and/or through provisions for mass transportation, such as vans, buses, car pooling, and bicycling.
- 3 In granting a density increase, the Planning Commission shall consider the capacities of community facilities and services and the character of the area affected.

3.8 PERU VILLAGE HISTORIC OVERLAY DISTRICT:

3.8.1 PURPOSE: The purpose of the Peru Village Historic Overlay District is to protect a unique concentration of historic landmarks, to guide the reconstruction of buildings on three historic sites, and to ensure that new development is in keeping with the historic pattern and character of development in the Peru Village Historic Overlay District.

3.8.2 APPLICATION OF REGULATIONS: The Peru Village Historic Overlay District regulations apply to all uses allowed within the Peru Village District and the RR 2 District. The requirements of these districts shall apply to all land and buildings, unless the Peru Village Historic Overlay District regulations are more restrictive, in which case they shall apply. In addition all land development shall meet the requirements set forth in section 3.8.3, 3.8.4, and 3.8.5. Within the Historic Overlay District no structure may be rehabilitated, substantially altered, restored, moved, demolished, or changed, and no new structure may be erected without approval of the plans by the Planning Commission. The Peru Village Historic Overlay District supersedes the Route 11 Corridor Overlay District in the Peru Village.

3.8.3 REVIEW STANDARDS: In addition to the standards in sections 3.8.4 and 3.8.5 the commission shall consider the following in its review of plans submitted.

- 1 The commission shall be strict in its judgment of plans for those structures deemed to be historic landmarks or on historic sites;
- 2 If an application is submitted for the alteration of the exterior appearance of a structure or for the moving or demolition of a historic landmark, the commission shall meet with the owner of the structure to devise an economically feasible plan for the preservation of the structure;
- 3 An application shall be approved only when the commission is satisfied that the proposed plan will not materially impair the historic or architectural significance of the structure or district unless;
 - [1] The structure is a deterrent to a major improvement program that will be of clear and substantial benefit to the municipality; or
 - [2] The retention of the structure would cause undue financial hardship to the owner.

3.0 ZONING DISTRICTS BYLAWS

3.8.4 STANDARDS FOR RECONSTRUCTION ON HISTORIC SITES: The three historic sites which no longer have buildings but which have cellar holes where historic buildings once stood must be developed according to the following standards:

- 1 The properties may not be developed or subdivided in a way that would prevent future use of the cellar holes for reconstruction of the historic buildings;
- 2 Structures proposed within the three cellar holes may be exempted from the dimensional requirements for minimum lot size, frontage, and set backs of the Peru Village District.
- 3 All proposed structures must meet the standards of sections 3.8.3 and 3.8.5.

3.8.5 STANDARDS FOR THE PRESERVATION OF HISTORIC LANDMARKS AND NEW CONSTRUCTION: The following standards must be met:

- 1 Architectural Features Retention of existing architectural features, including but not limited to, cornices, windows, shutters, doorways, and columns, shall be required in alterations. New construction shall incorporate district architectural details into the design.
- 2 Height Building heights shall range from one and one half to two and one half stories.
- 3 Historic Reference Points Retention of portions of a structure that document a significant event or style shall be required.
- 4 Orientation The building frontage shall be generally parallel to the lot frontage and the building depth shall be generally perpendicular to the street.
- 5 Porches The addition or demolition of porches is recognized as a historic pattern of building evolution. Glassed-in or other enclosed porches are out of character with the historic quality of the district and shall not be permitted.
- 6 Proportion The historic relationship between the width and height of the front elevations of the structure and other district structures shall be required in the construction or alteration of the structure. The historic relationship of width to height of windows and doors of the structure and other district structures shall be required in the construction or alteration of a structure.
- 7 Roofs Existing roof patterns of gables and dormers, roof pitches, and roofing materials in the district shall be maintained.
- 8 Scale The scale of structures shall not exceed the predominant scale of primary structures in the district.
- 9 Site Organization The organization of structures, driveways, parking areas, walkways, signs, and service areas shall be compatible with existing site features and general Site organization in the district. To ensure that the location of structures on the lot is compatible with existing structures in the district, the setbacks specified in the PERU VILLAGE DISTRICT (PV) (section 3.4 (PG.9)), may be modified.
- 10 Style New construction or alterations shall be of compatible architectural style as that of existing historic landmarks.
- 11 Satellite Antennas Satellite antennas being out of character with the nature of the Historic District, are not permitted in public view.

3.8.6 PROCEDURES: The procedures for Site Plan Review in sections 4.3.1, 4.3.2, and 4.3.3 (PG.18) of this bylaw shall be followed to obtain approval from the Planning Commission under this section.

3.8.7 TOWNSCAPE PRESERVATION BOARD: A Townscape Preservation Board consisting of from three to seven members who are residents of the town shall be appointed by the Board of Selectmen to review applications and make recommendations to the Planning Commission on applications being reviewed under this section.

4.0 PERMITS AND APPROVALS

4.1 ZONING PERMIT:

4.1.1 REQUIREMENT FOR ZONING PERMIT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land requires a zoning permit from the Administrative Officer.

4.1.2 APPLICATION: The application for a zoning permit shall show that the plans and the intended use conform with all provisions of this bylaw.

- 1 A map of the property depicting all boundaries.
- 2 Location of all existing and proposed buildings with dimensions.
- 3 Setback of proposed construction from property line.
- 4 Location of well and septic system, if applicable

A zoning permit application for land development requiring individual on-site sewage disposal shall not be deemed complete until a permit has been received for on-site sewage disposal under the State of Vermont Health Regulations.

The zoning permit fee shall be set by the Board of Selectmen.

If the Administrative Officer fails to act with regard to an application for a permit within 30 days, a permit shall be deemed issued on the 31st day.

4.1.3 EFFECTIVE DATES: A zoning permit shall not take effect until 15 days after issuance by the Administrative Officer, or in the event that a notice of appeal is properly filed in accordance with 24 V.S.A. section 4464, such permit shall not take effect until final adjudication of said appeal. Each zoning permit issued shall contain a statement of the period of time within which an appeal may be taken.

4.1.4 PROCEDURE AFTER ISSUANCE: Within three calendar days following the issuance of a zoning permit, the Administrative Officer shall:

- 1 Deliver a copy of the permit to the Listers, and
- 2 Post a copy of the permit in the Town Center. The permit shall remain posted until 15 days from the date of issuance and shall be available for public review during the regular business hours of the Town Center.

4.1.5 DURATION OF A PERMIT:

- 1 A permit shall expire one year and fifteen days after the date of issuance by the Administrative Officer, during which period of time the permitted work must be completed, unless a longer period of time is applied for, approved, and set forth in the permit. A permit may be renewed for an additional year only, as long as the renewal is applied for before the original permit expires.
- 2 A permit involving a division of a parcel shall be deemed finalized by the division of the parcel or by the filing of a plat with the Town Clerk within the time period specified in #1 above.

4.2 CONDITIONAL USES:

4.2.1 APPLICABILITY: A zoning permit for any use or structure that requires conditional use approval shall not be issued by the Administrative Officer until the Board of Adjustment grants such approval.

4.0 PERMITS AND APPROVALS

4.2.2 PUBLIC HEARING: A public hearing after public notice shall be held by the Board of Adjustment to determine whether the proposed use conforms to the general and specific standards for conditional uses in the zoning bylaw.

4.2.3 DECISIONS: The Board of Adjustment shall act to approve or disapprove any such requested conditional uses within sixty days after the date of the final public hearing held under this section; failure to do so within such period shall be deemed approval. The Board of Adjustment shall prepare findings of fact upon each decision under this section setting forth the reasons for approval, approval with conditions, or denial addressing each of the standards of this bylaw. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this bylaw.

4.2.4 GENERAL STANDARDS: A permit shall be granted only upon a finding by the Board of Adjustment that such use will not adversely affect:

- 1 The capacity of existing or planned community facilities or services
- 2 The character of the area affected
- 3 Traffic on roads and highways in the vicinity
- 4 The Town Plan, bylaws and ordinances of the Town of Peru
- 5 Utilization of renewable energy resources
- 6 Existing water supplies and the quality of ground and surface water resources
- 7 The scenic or natural beauty of the area, aesthetics, historic sites, or rare or irreplaceable natural areas

4.2.5 SPECIFIC STANDARDS: A permit shall be granted only upon a finding by the Board of Adjustment that the following specific standards will be met:

- 1 Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated.
- 2 There shall be no outside displays except those that are brought in at the end of the business hours and are the actual product of the business.
- 3 Storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished shall be inside a building or behind a site plan approved screen.
- 4 Applicable state permits for water supply and sewage disposal have been obtained.
- 5 The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
- 6 In determining the appropriateness of the use in the district, the Board of Adjustment shall consider the scale of the proposal in relation to the scale of existing uses and buildings and the effect of the use on the continued enjoyment and access to existing and approved uses in the vicinity of the proposed use.
- 7 Along roads designated as scenic in the Town Plan, in determining the compatibility of the proposed use with the existing uses and scenic characteristics of the scenic road, the Board of Adjustment shall consider the effect of the use on the continued enjoyment of the beauty of the scenic road. Proposed structures should be located off open land or at the periphery of open land and, where possible, take advantage of existing slopes and vegetation to provide a backdrop and screening for the project.
- 8 No fire, explosive, or safety hazard shall be permitted that, in the judgment of the Zoning Board of Adjustment, after consideration of the advice of Peru fire fighting officials, significantly endangers other property owners or emergency personnel.
- 9 The development will not result in a significantly increased burden on municipal facilities.

4.0 PERMITS AND APPROVALS

4.3 SITE PLAN APPROVAL:

4.3.1 APPLICABILITY: All uses and subdivisions, excluding one or two family dwellings and accessory uses thereto, agricultural uses, and forestry uses require site plan approval by the Planning Commission before the Administrative Officer issues a zoning permit.

4.3.2 APPLICATION PROCEDURES: The applicant shall submit one set of site plan maps and supporting data to the Planning Commission Chairman, which shall include the following information:

- 1 Name and address of the owners of record of the property and adjoining lands, name and address of person or firm preparing the map, scale of map, north point, and date. Also name, address and interest of the applicant in the subject property.
- 2 Survey of the property showing existing features, including contours, structures, large trees, wooded and open areas, streets, utility easements, rights of way, land use, and deed restrictions.
- 3 Site Plan, 24" x 36" in size and drawn to scale, showing proposed structures, locations, and land use areas; streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; streams, ponds and wetlands, landscaping plans, including site grading, landscape design and screening.
- 4 Construction sequence and timing schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire project.
- 5 A site location map showing the location of the project in relation to nearby town highways and developed areas at a scale of one inch equals one thousand feet.
- 6 The application shall not be deemed complete until all of the applicable materials above have been submitted.

4.3.3 DECISIONS: The Planning Commission shall act to approve, approve with conditions, or disapprove a site plan within sixty days of the date upon which it receives a complete application. The failure to so act within such period shall be deemed approval.

4.3.4 STANDARDS: In reviewing a site plan, the Commission may consider and impose appropriate conditions and safeguards with respect only to the adequacy of: traffic access; circulation and parking; landscaping and screening; and the protection of the utilization of renewable energy resources and other matters specified in the bylaws. The Planning Commission shall consider the following standards and conditions in reviewing a site plan:

- 1 Maximum safety of vehicular circulation between the site and the street network. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in the event of an emergency.
- 2 A Level of Service C condition shall be maintained on all state and town highways. For uses that will cause the Level of Service to go from C to D or worse or that will contribute to a Level of Service D or worse condition the Planning Commission may require modifications to the access, circulation, and parking, or contributions for making modifications based on the project's share of the projected volume of traffic above Level of Service C. Such modifications may include: change in location or number of access points, provisions for emergency vehicles, shared access with adjoining property owners, installation of acceleration and deceleration lanes on the street or highway adjacent to any project site, or installation of frontage or service roads, for a distance equal to the width of the property or cash contribution for future installation of same.

4.0 PERMITS AND APPROVALS

4.3.4 STANDARDS (CONT'D.):

- 3 Adequacy of circulation, parking and loading facilities. Particular consideration shall be given to the effect of noise, glare, or odors on adjoining properties. Adequacy of provisions for refuse removal, service areas, and snow removal shall also be considered. The standards for off-street parking under section 5.13 (PG.30) are required. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site. Parking areas may be required to be landscaped or screened from adjacent uses and scenic highways, including Route 11. Parking will be prohibited within the front yard setback area along Route 11 and elsewhere as determined by the Planning Commission. Permeable surfaces shall be encouraged for proposed parking areas to limit storm water runoff. A safe and attractive pedestrian environment shall be provided as appropriate to the use and is mandatory for all mixed use projects.
- 4 Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility and protection to adjacent property. Particular consideration shall be given to preservation of existing vegetation and important features of the site, including large trees, scenic views, fences, walls, and shrubs, visibility of unsightly or incompatible areas from the road and adjoining properties and the adequacy of landscaping materials to meet seasonal conditions, soils conditions, and light on the site. Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grassed areas, and ground cover. Landscaping is required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or public roads. Screening may be required to reduce glare and achieve compatibility with adjacent properties. Exterior incandescent lighting shall be designed and maintained so that the angle of incident light is no greater than 75 degrees from the vertical. Halide or arc-type fixtures shall be used for down lighting only and shall be screened so that no direct light is visible from adjacent properties.
- 5 Land development subject to site plan review in the Commercial Recreation District shall meet the requirements of section 3.5.6 subsections 6, 7, 8, and 11 (PG.11 + 12).
- 6 Within the Peru Village District the following standards shall apply:
 - [1] Where practical, street trees shall be required along Town Highways and Route 11.
 - [2] Parking requirements in section 5.13 (PG.30) may be modified in locations where on-street parking is available and site conditions limit parking opportunities provided no congested and unsafe condition will result from the reduction of this standard.

4.4 REFERRAL TO STATE AGENCIES:

A zoning permit for the development of land of the following types, or located within the following designated areas may not be granted by any municipality prior to the expiration of a period of thirty days following the submission of a report to the state agency designated in each case. The report shall describe the proposed use, the location requested and an evaluation of the effect of such proposed use on the Town Plan and the regional plan, if any:

4.4.1 FORESTS, PARKS AND RECREATION DEPARTMENT:

- 1 Any use in or within 1000 feet of any state owned or leased property. This provision does not apply within any incorporated village or city.
- 2 Ski areas with lifts or other equipment other than tows, with total capacity of more than five hundred persons per hour.
- 3 Camps with accommodations for more than fifty persons.

4.0 PERMITS AND APPROVALS

4.4.1 FORESTS, PARKS AND RECREATION DEPARTMENT (CONT'D):

- 4 Marinas with accommodations for twenty or more boats with lengths in excess of twenty feet.
- 5 Public beaches, or lands within one thousand feet thereof.
- 6 Natural areas as defined in section 2010 of Title 10, Vermont Statutes Annotated.

4.4.2 DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

Any of the following uses or activities affecting ground or surface water resources:

- 1 Any area designated as a flood plain or wetland.
- 2 The damming of streams so as to form an impounding area of five acres or more for reservoir or recreational purposes.
- 3 The drilling of wells deeper than fifty feet or with a potential yield greater than twenty-five thousand gallons per day. This shall not apply to a well drilled by the owner of a farm or residence for his own use, or the use of the farm.

4.4.3 FISH AND WILDLIFE DEPARTMENT:

- 1 Game lands and stream bank area owned or leased by the state.

4.4.4 VERMONT AGENCY OF TRANSPORTATION:

- 1 Airports.
- 2 Any use within five hundred feet of the intersection of any entrance or exit ramp providing access to any limited access highway.
- 3 Any curb cut onto a state highway.

4.5. NON-CONFORMING USES AND NON-COMPLYING STRUCTURES:

4.5.1 GENERAL REQUIREMENTS: Any lawful structure or use of a structure or land or part thereof existing at the time this bylaw is adopted may be continued, though not extended or expanded, although such building or use does not conform to the provisions of the district in which it is located.

4.5.2 EXPANSIONS OF NON-CONFORMING USES AND NON-COMPLYING STRUCTURES:

A non-conforming use or non-complying structure may not be altered, enlarged, extended, or expanded without approval by the Board of Adjustment after public hearing upon public notice. Nor shall a non-conforming use be changed, except to a conforming use, without approval by the Board of Adjustment after public hearing upon public notice. Any change, expansion, extension, or enlargement of a non-conforming use or non-complying structure shall be subject to the following requirements:

- 1 It will have no adverse effect upon the public health, safety, or convenience in the vicinity;
- 2 It will not result in any burden on municipal services;
- 3 Prevention of the expansion, extension, enlargement or change would result in exceptional and unnecessary hardship on the owner or operator of the non-conforming use or non-complying structure.
- 4 In the case of a non-conforming use, the change in use will not increase the degree of non-conformity with these bylaws.
- 5 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

4.0 PERMITS AND APPROVALS

4.5.3 RECONSTRUCTION AFTER DAMAGE: Buildings, the use of which is non-conforming, which are destroyed by fire or other disaster, may be reconstructed for such use provided the construction begins within a period of three years from the date of the destruction.

4.5.4 DISCONTINUANCE OF A NON-CONFORMING USE: A non-conforming use that has been discontinued for three years, regardless of evidence of intent to resume such use, shall not be resumed thereafter.

4.6 PLANNED RESIDENTIAL DEVELOPMENTS (PRDs):

4.6.1 PURPOSE: In order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities, and to preserve the natural and scenic qualities of the open lands of the Town of Peru, the modification of the dimensional requirements of this bylaw may be permitted subject to the conditions set forth in this section.

4.6.2 GENERAL CONDITIONS: All PRDs shall meet the following conditions:

- 1 A PRD is permitted in a RR or CR district.
- 2 The project, including any allocated lands, shall occupy an area of no less than 10 acres.
- 3 The dwelling units permitted may, at the discretion of the Planning Commission, be of varied types including single- and two-unit dwellings and multi-unit dwellings.
- 4 Except in the case of single or two-family dwellings on lots of 5 acres or greater in size, a PRD in an RR.5 or CR District shall be connected to off-premises water supply and sewage disposal facilities complying with all applicable state and local regulations.
- 5 The Planning Commission may impose conditions to assure that a PRD does not place an unreasonable burden on the ability of the Town of Peru to provide municipal or governmental services. Should such a burden be anticipated, the town may require contributions to cover additional costs or require dedication of land or interests in land for the purpose of providing the necessary facility or service. The level of contributions required shall reflect the project's projected tax revenues, number of year-round and seasonal housing units, the location of the development, and the project's share of the total demand for the facility or service. The Planning Commission may impose conditions to insure that the phasing of the development is consistent with the Town Plan and will take place over a sufficient period of time that adequate Town facilities and services may be provided.
- 6 The area of any pond, lake or stream shall not be included as any part of the area required for a PRD or as part of the base for any density determination.
- 7 Accessory uses in a PRD may be considered to apply to the entire project.
- 8 The Planning Commission may allow for a greater concentration density, of intensity of residential land use, within some section or sections of the development than upon others provided there is an offset by a lesser concentration in another section or an appropriate reservation of open space on the remaining land.
- 9 The total number of allowable units within the PRD shall not exceed the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the zoning regulations for the districts in which such land is situated. The number of allowable units within a PRD in the RR 5 District will be determined according to that district's specific regulations for PRDs.

4.0 PERMITS AND APPROVALS

4.6.2 GENERAL CONDITIONS (CONT'D):

10. The Planning Commission may authorize a density increase of up to 25% over what is allowed under subsection 9 above to provide:
 - 1) for ski area labor force housing according to the CR District regulations for PRDs and PUDs
 - 2) for projects that are exemplary for their sensitivity to the natural environment and for their provisions for maintenance or enhancement of agricultural or forestry operations and
 - 3) for projects that meet the standards for such bonuses in the Route 11 Corridor Overlay District. In granting a density increase, the Planning Commission shall consider the capacities of community facilities and services and the character of the area affected.
11. The PRD is consistent with the Town Plan.
12. The PRD is an effective and unified treatment of the development possibilities of the project site. The development plan makes appropriate provision for preservation of the following features as identified in the Town Plan: streams, stream banks, and water bodies, aquifer recharge areas, slopes greater than 25%, wetlands, soils unsuitable for development, agricultural lands, meadow lands, productive forest lands, historic features, unique natural features, wildlife habitat, high elevations, ridge tops, floodplains, and scenic features.
13. The PRD will meet local and state regulations for sewage disposal and the protection of water quality.

4.6.3 SPECIFIC STANDARDS: In addition to the site plan review standards in section 4.3 (PG.18), and the specific standards in the district, the following site standards may be required as a condition of the Planning Commission's approval of an application:

- 1 Further restrictions on the height and spacing between buildings.
- 2 Greater setback and screening requirements for structures and parking areas and other development along the perimeter of the PRD.
- 3 Adequate pedestrian circulation.
- 4 Improvements to roads to meet any town road specifications in effect and to town highways as required by the development.
- 5 Restriction of points of access to state or town highways.
- 6 Demonstration of financial liability protection for the town that adequate funds exist to develop, operate, and maintain development roads, utilities, and other private improvements.

4.6.4 PERMITTED USES IN A PRD:

- 1 Single and two-unit dwellings and multi-unit dwellings
- 2 Customary home occupations as provided in section 5.3 (PG.25) of this bylaw

4.6.5 APPLICATION PROCEDURES:

- 1 A zoning permit shall not be issued for the erection, enlargement, placement or relocation of a building or use in a PRD project until a Master Development Plan has been approved by the Planning Commission to assure conformance with this bylaw.
- 2 The Planning Commission shall hold a public hearing after public notice on the Master Development Plan before approval.

4.0 PERMITS AND APPROVALS

4.6.5 APPLICATION PROCEDURES (CONT'D.):

- 3 The applicant shall submit one set of site plan maps and supporting data to the Planning Commission Chairman, which shall include the following information:
 - [1] Name and address of the owners of record of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address and interest of the applicant in the subject property.
 - [2] Survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use, and deed restrictions.
 - [3] Site resource map, at the same scale as the site plan, indicating soils with severe limitations for on-site sewage disposal (for projects within a RR 2 or RR 5 District), wetlands, flood hazard areas, natural water bodies, slopes of 25% grade or greater, elevations in excess of 2,500 feet above mean sea level, agricultural and forest land, wildlife habitat, scenic features, historic features, and unique natural features.
 - [4] Site plan showing the locations of proposed structures and their use; streets, driveways, traffic circulation, parking, and pedestrian ways; landscaping, including site grading, landscape design, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land to be set aside for public use.
 - [5] A statement setting forth the nature of all proposed modifications, changes, or supplementation of the existing zoning regulations and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
 - [6] Construction sequence and time schedule for completion of each phase of buildings, roads and parking, landscaping, and amenities.
 - [7] Articles of association, bylaws, or declarations of condominium for those developments that will provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
 - [8] If applicable, results of on-site investigations of soils and topographic conditions to determine the suitability of the sites for land development.
- 4 The application shall not be deemed complete until all the items in 4.6.5 (3) have been submitted.

4.6.6 COMMON LAND: If the PRD results in lands available for park, recreation, open space, agriculture, forestry or municipal purposes, such common land must meet the following requirements:

- 1 The location, shape, size, and character of the common land is suitable for its intended use and for the development given its size, density, and physical features.
- 2 Common land will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved and lands designated for agriculture and forestry may be so utilized.
- 3 Land shown as common land shall be conveyed either:
 - [1] To the town if it agrees to maintain the land and any buildings, structures other improvements on it; or
 - [2] To an association of home owners or tenants, which adopts and imposes covenants and restrictions on the common land that adequately provide for its continuing care; or
 - [3] To another suitable party provided there are appropriate conservation restrictions placed on the land, recorded with the deed, and approved by the Planning Commission and the common land will be used for a valid public purpose.

4.0 PERMITS AND APPROVALS

4.6.7 PRD APPROVAL:

- 1 The Planning Commission shall act to approve, approve with conditions, or disapprove the PRD within sixty days of the date on which the proposed plan is considered at a meeting of the Planning Commission.
- 2 Review and approval may be simultaneous with site plan review under section 4.3 (PG.18).
- 3 Failure to act within sixty days shall be deemed approval.
- 4 Nothing shall prohibit the applicant from discussing the proposal with the Planning Commission prior to the application for PRD approval.

4.7 PLANNED UNIT DEVELOPMENT:

4.7.1 PURPOSE: To encourage mixed use development in the form of a ski village that is innovative in its design and layout, efficient in its use of the land, economical in the provision of streets and utilities, and preserves the natural and scenic qualities of the Town of Peru.

4.7.2 GENERAL CONDITIONS: All PUD's shall meet the following conditions:

- 1 A PUD is permitted only in the CR District.
- 2 The project, including all allocated lands, shall occupy an area of no less than 10 acres.
- 3 Any permitted or conditional use allowed within the CR District is allowed in a PUD. Buildings may accommodate mixed uses at the discretion of the Planning Commission.
- 4 Except in the case of single or two-family dwellings on lots 5 acres or greater in size, all uses within a PUD shall be connected to community water supply and sewage disposal facilities complying with all applicable state and local regulations.
- 5 The general conditions 5 through 13 for PRDs in section 4.6.2 (PG.21).

4.7.3 SPECIFIC STANDARDS: The specific standards for PRDs in section 4.6.3 (PG.22) may be required in addition to the site plan review standards in section 4.3 (PG.18) and the specific standards in the CR District as a condition of the Planning Commission's approval of a PUD application.

4.7.4 APPLICATION PROCEDURES: The application procedures for PRDs in section 4.6.5 (PG.23) shall be required for all PUD applications.

4.7.5 COMMON LAND: The requirements for common land for PRDs in section 4.6.6 (PG.23) shall be required for all common land in PUDs.

4.7.6 APPROVAL: The approval process for PRDs in section 4.6.7 shall apply to all PUDs.

5.0 GENERAL REGULATIONS

5.1 REQUIRED ACCESS

Land development requires a lot with frontage on a public road or, with the approval of the Planning Commission, access to such a road by a permanent easement or right-of-way at least 20 feet in width.

5.2 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw or any previous zoning regulation of the Town of Peru may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet. If the proposed development of a pre-existing small lot meeting the requirements of this sub-section cannot meet the dimensional requirements (other than lot size), a variance is required; refer to section 6.4.2 (PG.35).

5.2.1 MERGER OF NON-CONFORMING AND UNDERSIZED PARCELS:

If a pre-existing small lot subsequently comes under common ownership with one or more contiguous lots, the non-conforming lot shall be deemed merged with the contiguous lot, once merged, said lots may not thereafter be divided into undersized lots. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

1. The lots are conveyed in their preexisting, nonconforming configuration.
2. On the effective date of this bylaw, each lot was developed with a water supply and wastewater disposal system constructed in accordance with all existing and applicable state and municipal requirements and regulations.
3. At the time of the transfer, each water supply and wastewater system is properly functioning.
4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both. in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 24.

5.3 CUSTOMARY HOME OCCUPATIONS:

Customary Home Occupations are permitted in all districts in which residences are permitted, provided they are in conformance with the provisions in this section. A Zoning Permit is required for a Home Occupation.

5.3.1 CONDITIONS FOR ALL CUSTOMARY HOME OCCUPATIONS:

All customary home occupations must meet the following conditions:

1. The Home Occupation shall be carried on only by full time residents of the dwellina. and no more than two full time employees who are not full time residents of the dwelling.
2. The Home Occupation is clearly secondary to the residential use of the dwelling.
3. The Home Occupation can be carried on entirely indoors, however, there can be outdoor storage of materials or equipment provided it is screened from view from outside the property boundaries.
4. The use does not create a nuisance, objectionable noise, smoke, vibration, odor or noxious gas detectable on any adjoining Property or dwelling unit.
5. Hours of operation, outdoor lighting, etc. shall be compatible with the character of the residential neighborhood. Hours of activity that are discernible beyond property boundaries (traffic, noise. etc.) shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday.

5.0 GENERAL REGULATIONS

5.3.2 SITE PLAN APPROVAL FOR CUSTOMARY HOME OCCUPATIONS:

If any of the following conditions are present, the Zoning Permit may be issued only after approval of the Site Plan by the Planning Commission under Section 4.3 (PG.18) of this bylaw:

- 1 The area utilized for the Home Occupation exceeds fifty percent (50%) of the total floor area of the dwelling plus any accessory buildings, or a total of 1000 square feet.
- 2 There are changes to the external appearance of any building or structure on the premises because of the Home Occupation use.
- 3 A need for parking is created.
- 4 There are over two employees who are not residents of the premises.
- 5 The Home Occupation is a child care center of over six but not more than 12 children.

5.3.3 TERM OF HOME OCCUPATION PERMIT:

Any Zoning Permit issued is granted to the applicant for the length of time that the occupant occupies the dwelling. Approval shall terminate upon relocation by the applicant and shall neither remain with the subsequent occupants of their dwelling or transfer to a new location with the original occupants.

5.3.4 SIGNS:

A sign as provided for under Section 5.5 may be displayed in the front setback area of the Home Occupation premises.

5.4. DIVISION OF A PARCEL

When a parcel or tract is to be subdivided, a plot plan must be recorded with the Town Clerk and a copy filed with the Planning Commission. The division of land into two or more parcels requires a zoning permit under section 4.1 of this bylaw. The subdivision of a parcel of land in existence as of the effective date of this ordinance into three or more lots in the RR or CR District will require review and approval under the Planned Residential Development regulations of sections 3.3 (PG.7) and 4.6 (PG.21).

5.5 OUTDOOR ADVERTISING:

5.5.1 PURPOSE:

To regulate all exterior signs and all interior signs placed as to be prominently visible from the street and to prohibit the indiscriminate use of outdoor advertising. This section encourages the use of signs which are compatible with the community character; are not distracting or confusing to vehicular traffic, and will be maintained in good and safe repair.

5.5.2. PROHIBITED SIGNS: are signs which:

1. Advertise an activity, business, product or service not located on the premises on which the sign is placed.
2. Project into or over the public right-of-way.
3. Have blinking, flashing, or contain moving parts.
4. Prevent a clear and unobstructed view of official signs, and approaching or merging traffic. No sign will be erected within 25 feet of any intersection of any town or state highway, except if mounted on the exterior of a building.

5.0 GENERAL REGULATIONS

5.5.3 EXEMPT SIGNS: are signs which:

1. Are erected, maintained and administered by the Town of Peru, the State of Vermont, the Federal Government or a non-profit organization. A permit is not required, but compliance for size, setbacks, and other provisions of this bylaw is required, unless such sign identifies a street or public facility, or is necessary for the public health and safety.
2. Are erected without advertising, displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, or the like, with an area not exceeding two square feet, provided such signs are on the premises of the activity served by the sign.

5.5.4 TEMPORARY SIGNS: A person may, without obtaining a permit, display a sign or signs, provided that:

1. The sign does not exceed twenty (20) square feet. for an event of a civic, philanthropic service or religious organization, campaign, fair or similar events, and are removed upon completion of the event.
2. Signs announcing an auction, tag or special sale, special rate, seasonal activity, or special entertainment, provided that the sign shall:
 - [11 Not exceed eight (8) square feet.
 - [21 Not be displayed more than sixty (60) days of a calendar year, cumulatively, for any single enterprise, regardless of the change of announcements.

5.5.5 SIGNS PERMITTED IN RR DISTRICT:

1. For each building used for dwelling purposes - one sign not exceeding six (6) square feet in area having the name of the owner or occupant.
2. For home occupations - one (1) sign not exceeding eight (8) square feet in area.

5.5.6 SIGNS PERMITTED IN PV OR CR DISTRICT:

1. In PV or CR Districts, one sign not exceeding twenty (20) square feet is permitted per commercial project.
2. Credit card signs are permitted when affixed to the face of the building in close proximity to the entrance.

5.5.7 SETBACK:

1. In all districts, residential, commercial or town, free standing signs shall be setback a minimum of ten (10) feet from any property line or right-of-way.
2. On premises where it is not physically possible to satisfy the minimum setback, by reason of proximity of the building to lot lines, the sign must receive approval from the Zoning Board of Adjustment.

5.0 GENERAL REGULATIONS

5.5.8 HEIGHT:

In all districts, residential, commercial, or town, freestanding signs shall not exceed fifteen (15) feet in height, measured from the natural ground level to the topmost part of the sign. Exceptions to this may be granted on an individual basis, by obtaining a variance from the Zoning Board of Adjustment.

5.5.9 LIGHTED SIGNS USING DEFLECTORS:

The light from any sign, or advertising lights, shall be so shaded, shielded, or directed, and shall, be maintained at a sufficiently low level of intensity and brightness, that it shall not adversely affect neighboring premises, or the safety and vision of a motor vehicle operator moving on public roads or highways. All lighted signs and advertising lights shall be shaded, shielded, or directed so that they shall not reflect, or shine on or into, any residential structures or highways.

5.5.10 NON-CONFORMING -NON-COMPLYING SIGNS:

1. All signs and supporting structures which are non-conforming or non-complying to the provisions of this bylaw upon the date of adoption, or as subsequently amended, shall be brought into compliance. If the sign creates a nuisance or safety hazard in the eyes of the Administrative Officer, that officer shall notify the owner of any such sign, in writing. The owner may appeal such determination to the Zoning Board of Adjustment.
2. The property and/or sign owner of such sign or signs shall be in violation of the chapter until the sign is removed, or brought into compliance. The Town of Peru may, within thirty (30) days prior written notice to the property and sign-owner, remove such signs without further notice, or further proceedings, at the expense of the property and/or sign owner. The expense may be recovered by the Town in an action brought under this bylaw, which shall be instituted in the appropriate court or other tribunal having jurisdiction over this matter.

5.5.11 PERMITS, PLANS AND INSPECTIONS:

1. No sign shall be erected, altered, or relocated, without a permit from the Administrative officer.
2. Applications for signs shall be accompanied by detailed plans and specifications, and any other information that the administrative authority may require.
3. Any sign, may be inspected periodically by the administrative authority for compliance or other requirement of the law.

5.6 JUNKYARDS:

Junkyards or places for the storage of discarded machinery, vehicles, garbage or other materials are hereby prohibited except at a location specifically designated for such use by the Selectmen of the Town of Peru.

5.7 TRAILER COACHES:

5.7.1 TRAILER COACH AS A TEMPORARY DWELLING:

A trailer coach may be used as a dwelling for a period not exceeding one year by the owner of the lot on which such trailer coach is located, provided that such owner is actively constructing a residence thereon for which a valid building permit has been obtained.

5.0 GENERAL REGULATIONS

5.7.2 TRAILER COACH GENERAL REGULATIONS:

- 1 A trailer coach may be used temporarily as a field office, accessory to a construction operation being executed on the premises.
- 2 On any lot meeting the area and other requirements of this bylaw, the permanent resident of the dwelling thereon may store his unoccupied trailer coach anywhere except in the required front and side setback areas.
- 3 A trailer coach may be occupied on any lot by a non-paying guest of the occupant of such lot for a period not exceeding thirty days in any twelve month period.

5.8 SWIMMING POOLS

A swimming pool is an accessory structure to the use of a dwelling unit, provided such pool is used only by the residents of the premises and their guests. No portion of the pool structure shall be located in the required setback areas.

5.9 PONDS

A pond may be approved by the Planning Commission after site plan review provided that there shall be no adverse effect upon the public health and safety and surrounding use. No water areas shall be closer than 25 feet to any side or rear lot line. The Planning Commission may require plans and specifications, and other information deemed necessary. Such information may include:

- 1 Map of entire property showing location of the pond with respect to present structures, roads and boundaries
- 2 Contours to the nearest building(s) on adjoining land.
- 3 Specifications for the dam, if one is to be constructed.
- 4 An estimate of the surface area of the pond and volume of water.
- 5 Natural or proposed drainage and contours.

5.9.1 SMALL PONDS

Ponds with a surface area less than 10,000 square feet, not in a stream and not requiring a dam may be approved by the Zoning Administrator, provided that there shall be no adverse effect upon the public health and safety and surrounding use. No water areas shall be closer than 25 feet to any side or rear lot line or 50 feet from the front lot line.

5.10 SAND AND GRAVEL OPERATIONS

A permit may be issued for a sand or gravel operation after site plan approval by the Planning Commission provided that all applicable state and local regulations are met. The following types of conditions may be imposed on sand and gravel operations:

- 1 Limitations on the hours of operation.
- 2 Limitations on the volume of truck traffic.
- 3 Limitations on the area of extraction.
- 4 Conditions for restoration of the site.

5.0 GENERAL REGULATIONS

5.11 DRIVEWAY SETBACKS

All driveways and private roads shall be constructed with the following setback:

- | | | |
|---|-------------------------|---------|
| 1 | Lots of 2 acres or less | 10 feet |
| 2 | Lots of over 2 acres | 25 feet |

The setback shall be at least that specified, from a property line or right-of-way line.

5.12 PROHIBITION OF OIL AND GAS DRILLING

The drilling of wells for the exploration of oil or natural gas is prohibited within the Town of Peru.

5.13 PARKING REGULATIONS

For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces of no less than nine feet by twenty feet (9 'x 20') according to the following minimum standards:

- | | | |
|---|--|---|
| 1 | Single and two-unit dwellings | 1 space for every two bedrooms |
| 2 | Multi-unit dwellings | 3 spaces for every 2 units. |
| 3 | Inn | 1 space for every accommodation unit. |
| 4 | Boarding House | 1 space per building and 1 space per boarder. |
| 5 | Business, professional and medical offices | 1 space per 200 SF of floor area |
| 6 | Retail store | 1 space per 100 SF of floor area |
| 7 | Restaurant, bar, lounge, discotheque | 1 space per 40 SF of floor area |
| 8 | Other commercial uses | 1 space per 200 SF of floor area |
| 9 | Industrial uses | 1 space per employee |

Under site plan review the Planning Commission may modify the parking requirements for PUDs, PRDs, and commercial and industrial uses upon submission of data by the applicant that the above requirements are inappropriate for the proposed use. The Planning Commission may consider a reduction of parking requirements in cases of mixed use developments emphasizing pedestrian use and ski on-ski-off opportunities, where a reduced parking need has been demonstrated in similar developments of a similar size and location, where on-street parking is available, and where site constraints exist for existing structures and uses.

5.14 STREAM AND STREAM BANK PROTECTION:

- 1 All structures shall be set back a minimum of 50 feet from the high water mark of all streams.
- 2 All on site sewage disposal systems shall be set back a minimum of 100 feet from the high water mark of all streams.
- 3 A 50 foot vegetated buffer strip shall be maintained along all streams. Within this area there shall be no clear-cutting; selective thinning is permissible provided it will cause no adverse environmental impact.
- 4 Land development shall not cause the alteration, damage, diversion, or contamination of streams.

5.0 GENERAL REGULATIONS

5.15 DEVELOPMENT ABOVE 2500 FEET:

In areas above 2500 feet the following shall apply:

5.15.1 PERMITTED USES: The following uses are permitted above 2500 feet:

- 1 Commercial forestry and related uses
- 2 Temporary accommodations for personnel employed in a commercial forestry operation
- 3 Snow ski areas and accessory uses clearly incidental to winter skiing
- 4 Outdoor recreational activities not involving the construction of a structure

5.15.2 CONDITIONAL USES: The following uses may be permitted by the Zoning Board of Adjustment as conditional uses in accordance with the provisions of section 4.2 (PG.16):

- 1 Hiking or ski-touring shelters operated by a governmental unit or private non-profit organization
- 2 Private hunting and recreational camps of a seasonal nature and not suitable as permanent dwellings
- 3 Outdoor recreational activities involving the construction of a structure

5.16 SPECIAL AREAS: In the following Special Areas, the underlying zoning district provisions still apply. Where there is a conflict between the provisions of the zoning district and the provisions for these Special Areas, the more restrictive shall apply. Refer to the SPECIAL AREAS MAP on page 4.

5.16.1 WETLAND PROTECTION AREA:

- 1 All structures and subsurface sewage disposal systems shall be set back a minimum of 100 feet from the edge of all wetlands except for the wetlands at Mud Pond and Griffith Lake from which the set backs shall be 300 feet.
- 2 Land development shall not cause the dredging, filling, drainage, flooding, or other alteration of wetlands.

5.16.2 AQUIFER PROTECTION AREAS: Within Aquifer Protection Areas the following land development, or uses associated with land development, will not be permitted:

- 1 On site sewage disposal systems
- 2 Underground storage tanks
- 3 Sanitary landfills
- 4 Junk or salvage yards
- 5 Mining or sand or gravel removal
- 6 Storage of salt
- 7 Gasoline service stations
- 8 Car washes
- 9 Auto repair
- 10 Auto body shops
- 11 Commercial feeding of livestock
- 12 Industrial uses.

5.0 GENERAL REGULATIONS

5.16.3 RIDGE TOP PROTECTION AREAS: The boundaries of Ridge Top Protection Areas shall follow contour lines as depicted on the Town Topographic Map, and the following regulations shall apply:

- 1 Land development is not permitted that will:
 - [1] Create a new structure or expansion of an existing structure.
 - [2] Cause the area, or a portion of the area of one acre in size or more, to be clear cut of vegetation.
 - [3] Alter the natural topography of the area.
 - [4] Result in the creation of a lot within which there is no suitable building site except in a designated ridge top protection area.
- 2 Above ground utilities are not permitted.
- 3 The removal of native vegetation, especially large timber, shall be minimized and the replacement of vegetation and landscaping shall be generally compatible with the native vegetation in the area.

5.17 COMPLIANCE WITH HEALTH REGULATIONS

A zoning permit application for land development requiring individual on-site sewage disposal shall not be deemed complete until a permit has been received from the Vermont State Department of Environmental Conservation, or other appropriate State Agency for on-site sewage disposal.

5.18 DANGEROUS AND DILAPIDATED STRUCTURES:

The Select Board has determined and declared that dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous to the health or safety or otherwise inimical to the welfare of the residents of, or visitors to the Town of Peru, are to be prevented and prohibited within the Town.

Buildings found to be in such condition, and liable to collapse, or presenting other hazardous conditions dangerous to the public health or safety, or that might result in serious accident or loss of life, shall, after certification of such dangerous or hazardous condition by the appropriate health officer, safety officer, or an engineer, be demolished, and the debris removed within six weeks of the issuance of an order by the Administrative officer for such demolition.

Alternatively, within the six week period after the issuance of a demolition order, application, together with the posting of appropriate financial security in an amount to be determined by the Administrative Officer, may be made for the building or buildings to be repaired or rebuilt in accordance with the Zoning Bylaws of the Town of Peru.

In the event the owner of the premises affected by such demolition order shall fail to comply therewith, within the time prescribed, the Select Board may direct, and arrange for the demolition of the building or buildings, and assess the owner of the property the cost thereof.

Violations of this bylaw shall be punishable as a civil violation. The Administrative Officer may enforce violations of this bylaw by commencing an enforcement action in the name of the Town of Peru in the Vermont Judicial Bureau or the Environmental Court. A civil penalty of not more than \$100 may be imposed for violation of this bylaw. Each day the violation continues shall constitute a separate violation. Alternatively, the Administrative Officer may request an order from the Judicial Bureau or the Environmental Court that the violation cease.

GENERAL REGULATIONS

5.19 SMALL WIND TURBINES:

Purpose: The purpose of this bylaw is to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

Definitions:

1. **Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics. which has a rated capacity of not more than 100 KW and which is intended to primarily reduce the on-site consumption of utility power.
2. **Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine, itself.

Permitted Use: Small wind energy systems shall be a permitted use. in the RR 2 and RR 5 Zoning Districts: subject to the following requirements:

1. **Tower Height:** For property in the RR 2 Zoning District the tower height shall be limited to fifty (50) feet in height. For property in the RR 5 Zoning District, the tower height shall be limited to eighty (80) feet in height. except as imposed by FAA regulations.
2. **Setback:** No part of the wind system structure. including any guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site, or so located so if collapse occurs it will not fall across the property line.
3. **Compliance with FAA Regulations:** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
4. **Compliance With National Electric Code:** Zoning Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is supplied by the system manufacturer.
5. **Utility Notification :** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6.0 ADMINISTRATION, APPEALS AND ENFORCEMENT

6.1 ADMINISTRATIVE OFFICER:

A Zoning Administrative Officer shall be appointed by the Planning Commission with the approval of the Board of Selectmen for a term of three years and shall be charged with the responsibility of administering this bylaw. The Administrative Officer shall not permit any land development which is not in conformance with this bylaw.

6.2 ZONING BOARD OF ADJUSTMENT:

There shall be a Zoning Board of Adjustment whose members, as well as their number and term of office, shall be determined by the Board of Selectmen. The Board of Adjustment shall have the following functions:

- 1 Consider decisions of the Zoning Administrative Officer upon appeal.
- 2 Consider and grant or deny requests for variances upon appeal.
- 3 Consider and grant or deny applications for a conditional use.
- 4 Consider and grant or deny applications for expansions of non-conforming uses and non-complying structures.

6.3 PLANNING COMMISSION:

There shall be a Planning Commission, the number of members of which shall be determined by the Board of Selectmen. The Planning Commission shall have the following functions:

- 1 Prepare amendments to the bylaw and other bylaws as permitted by 24 V.S.A. Chapter 117.
- 2 Prepare and update the Town Plan every five years, and to prepare amendments to the Plan as necessary.
- 3 Review and approve site plans.
- 4 Consider and grant or deny requests for a planned residential or planned unit development.
- 5 Resolve any uncertainties on the zoning Map.

6.4 APPEALS:

6.4.1 GENERAL PROCEDURE: An interested person, as defined in 24 V.S.A. Section 4465 may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or with the Town Clerk. If the appeal is taken with respect to a decision or act of the Administrative Officer, such notice of appeal must be filed within 15 days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. The Board of Adjustment shall conduct a hearing on the appeal as provided in 24 V.S.A. Section 4468, and such hearing shall be held within sixty days of the filing of the notice of the hearing. This shall apply to requests for variances under section 6.4.2. of this bylaw. The Board shall render its decision within forty-five days after completing the hearing, which decision shall include findings of fact setting forth its basis. A copy of the decision and findings of fact shall be distributed as provided in section 6.4.3 (PG.35) of this bylaw.

6.0 ADMINISTRATION, APPEALS AND ENFORCEMENT

6.4.2 VARIANCES: On an appeal wherein the relief requested by the applicant is a variance from the provisions of this bylaw for a structure which is not primarily a renewable energy resource structure, the Board of Adjustment may grant such a variance after public hearing, only if all of the following facts are found in the affirmative and this finding is specified in its decision:

- 1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
- 2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 3 That the unnecessary hardship has not been created by the appellant;
- 4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
- 5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and the plan.

In no case shall the Board of Adjustment grant a variance for a use, which is not permitted or conditionally permitted in the applicable district. On an appeal wherein the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in 24 V.S.A. 4469(b) are found in the affirmative.

6.4.3 DECISIONS: The Board shall prepare findings of fact upon each decision under this section setting forth its determination upon each of the criteria. Copies of the decision shall be sent, certified mail, to the appellant within forty-five days after completing the hearing. Copies shall also be mailed to every person or body having been heard at the hearing, and a copy shall be filed with the Zoning Administrative Officer and the Town Clerk as part of the public record. If a decision is not rendered within forty-five days, the Board shall have been deemed to render a decision in favor of the appellant and granted the relief requested on the forty-fifth day.

6.5 VIOLATIONS AND ENFORCEMENT

Violations of this bylaw shall be prosecuted in accordance with 24 V.S.A. Sections 4451, 4452 and 4454. Any person who violates these bylaws shall be fined not more than \$100 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation. In default of payment of the fine, such person, the members of any partnership or association, or the principal officers of such corporation, shall each pay double the amount of such fine. Each day that a violation continues shall constitute a separate offense. All fines collected shall be paid over to the Town.

If any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of this bylaw, the Administrative Officer shall institute in the name of the Town an appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

6.0 ADMINISTRATION, APPEALS AND ENFORCEMENT

6.6 CERTIFICATES OF USE: It shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, Created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, after the effective date of these bylaws, within the Town of Peru, until a Certificate of Use is issued by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of the zoning regulations.

6.7 TEMPORARY CERTIFICATES OF USE: Temporary Certificates of Use may be granted when it can be reasonably demonstrated that it is impractical, for reasons beyond the control of the permittee, to complete all of the necessary site work immediately, or when a minor delay in some aspect of site work will not result in significant non-compliance with approved plans. Temporary Certificates of Use shall include an expiration date, and a firm deadline for full compliance with approved plans.

7.0 DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purposes of this bylaw, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “person” includes a partnership, corporation or other entity. The word “structure” includes the word “building”. The word “shall” is mandatory, not directory.

ACCESSORY USE: a use subordinate and incidental to the principal use of the land or building.

AGRICULTURE: the growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar orchards; the sale of farm produce on the premises where raised; processing or storage of products raised on the property. Customary farm structures accessory to agricultural uses and on the same lot or parcel as the use shall be included in this definition.

AQUIFER PROTECTION AREA: areas identified in the Town Plan as the aquifer recharge area for a community water supply.

BED AND BREAKFAST: a building designed to room and board persons on a nightly, weekly, or seasonal basis, accommodating not more than ten people. Central dining and food preparation facilities may be provided sufficient to serve registered guests. Cooking facilities shall not be provided in individual guest rooms.

BOARDING HOUSE: a dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders and in which individual cooking and eating facilities are not provided for boarders.

BUILDING: Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or materials.

BUILDING COVERAGE: the percentage of the area of a lot which is covered by structures.

BUILDING HEIGHT: The vertical distance between the average finished grade within ten feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to a point which equals the average between the highest ridge of the roof, and the lowest eave height of the roof at the top plate, for gable, hip or gambrel roofs.

COMMERCIAL ACCOMMODATION UNIT: an overnight accommodation, offered on a nightly, weekly, seasonal or other short term basis, in units, whether singly or separately owned, which have a management entity operating the structure and or facilities and which may provide such services as maid service, a central switchboard, or dining facilities. For purposes of this definition, separate ownership includes, but is not limited to, timeshare or interval ownership in fee or leasehold, condominium ownership and cooperative ownership with proprietary lease.

COMMERCIAL USE: any use of land or buildings for the purpose of selling a product, goods or service.

CONDITIONAL USE: a use subject to the approval of the Zoning Board of Adjustment after a public hearing, which meets the criteria for the particular use and the criteria listed in section 4.2 (PG.16).

7.0 DEFINITIONS

DISTRICT: a specific portion of the town as established by the provisions of section 2.1 (PG.2) of this bylaw.

DWELLING UNIT: a building or part of a building designed for occupancy having accommodations for living, eating and sleeping.

DWELLING, SINGLE-UNIT: a building designated for or occupied as a dwelling by one family.

DWELLING, TWO-UNIT: a building designated for or occupied as a dwelling by two families living independently of each other.

DWELLING, MULTI-UNIT: a building designated for or occupied as a dwelling by more than two families living independently of each other.

FAMILY: a person or persons living together in the same building and sharing the same kitchen and other facilities.

FORESTRY: the growing and harvesting of trees or timber under proper forest management.

FRONTAGE: The length of a lot line, which is adjacent and parallel to a public street, or public waters, or permanent right-of-way.

FRONT SETBACK: the open, unoccupied space extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The front setback shall be the minimum distance between the building and front lot lines, measured at right angles to the front line of the lot.

HISTORIC LANDMARK: one of twelve historic structures in the Peru Village Historic Overlay District identified by the Peru Townscape Preservation Board in its report to the Planning Commission dated August 30, 1988.

HISTORIC SITE: one of three sites in the Peru Village Historic Overlay District where historic structures once stood and where cellar holes remain that have been identified by the Peru Townscape Preservation Board in its report to the Planning Commission dated August 30, 1988.

INDOOR RECREATION FACILITY: a building or structure designed, equipped, and used for sports, leisure time, and other recreational activities.

INN: a building or buildings containing commercial accommodation units.

LAND DEVELOPMENT: the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

LEVEL OF SERVICE: A term in the field of traffic engineering that refers to the operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, and traffic density. Measures of the operating conditions are expressed by letter designations. Levels of service range from “A” with stable free flow to “F” with congestion.

7.0 DEFINITIONS

LEVEL OF SERVICE C: An operating condition that a driver will experience while traveling on a particular street or highway in which there is stable continuous flow, but speed and maneuvering are more closely controlled by higher traffic volumes.

LIGHT INDUSTRY: An industrial use having not more than 30 employees and occupying not more than 15,000 square feet of floor area and outdoor storage area in the aggregate, having no excessive noise, odor, glare, smoke, dust or vibration discernible at its property boundary, and meeting the requirements of this bylaw.

LOT: a parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

MASTER DEVELOPMENT PLAN: A plan for the entire parcel of land on which a Planned Residential or Planned Unit Development is proposed under section 4.6 (PG.21) or 4.7 (PG.24) of this bylaw.

MIXED USE BUILDING: A building containing two or more land use types, including but not limited to: commercial and residential or commercial and recreational or office and retail.

NON-CONFORMING USE: A use of land or a structure which does not comply with this bylaw, where such use conforms to all applicable laws, ordinances, and regulations prior to the enactment of this bylaw.

NON-COMPLYING STRUCTURE: A structure or part thereof not in conformance with this bylaw's requirements covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of this bylaw.

OUTDOOR RECREATION FACILITY: any facility for outdoor recreation, including but not limited to: tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross country skiing, except facilities that are accessory to a single-unit dwelling and ski lifts.

PREMISES: A lot as defined herein, including any structures thereon.

PROPERTY LINE: The line dividing adjacent lots.

PUBLIC ROAD: A thoroughfare, highway, street or public way which has been constructed for public travel and is open and available for public use. "Road" shall mean the entire width of the right-of-way,

RENEWABLE ENERGY RESOURCE STRUCTURE: a structure which converts direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat, or geothermal sources into energy.

RESTAURANT: the use of a structure or of land for the serving of meals to patrons seated at tables or counters provided for that purpose.

RIDGE TOPS: areas identified in the Town Plan as being highly visible and encompassing high elevations and peaks of land.

7.0 DEFINITIONS

RIGHT-OF-WAY: Shall mean any publicly owned space used for vehicular or pedestrian traffic, including the air space above. When the boundary of the right-of-way is not known, it shall be assumed to be 25 feet from the center of the road.

RIGHT-OF-WAY LINE: The line separating a road right of way and a lot.

SF: square feet.

SIGN: Shall mean any structure, display, device or representation, which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, community, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and which is intended to be visible from a public right-of-way. This shall include signs placed in or on a window or door, which are intend to be visible from the exterior of the premises.

SIGN AREA: Shall mean the entire area within a circle, triangle or other geometric pattern of similar character enclosing the extreme limits or writing, representation, emblem, or any figure of similar character, together with any frame of other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.

STREAM: A body of running water, flowing in a regular course throughout the year. Temporary interruptions of flow during times of drought shall not cause the stream to be considered seasonal.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to a building, trailer, sign, wall or fence, except a wall or fence for agricultural purposes.

SUBDIVISION: the division of a lot, tract, or parcel of land into two or more lots, plat sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or right of use, or of building development. This shall apply to residential uses (including condominiums, apartment complexes, and other forms of multi-unit dwellings), commercial, industrial, recreational, agricultural, institutions, municipal, utilities and forestry uses. It includes subsequent subdivision, and the division of land held in common and subsequently divided into parts among the several owners.

TRAILER COACH: a vehicle designed for recreational travel purposes containing facilities for living, whether capable of moving under its own power or in need of being moved by another vehicle.

WETLANDS: those areas identified in the Town Plan that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas that grow food or crops in connection with farming activities.