ZONING BYLAW

Town of Peru, Vermont

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Adopted 1/17/24 by the Peru Selectboard.

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100. ZONING BYLAWS, GENERAL PROVISIONS:

101. General Provisions, Authority & Purpose:

This zoning bylaw is adopted under the authority of 24 VSA Chapter 117 (hereinafter, the "Act"), and is intended to supersede and replace any previous zoning bylaw of the Town of Peru. 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 Peru Town Plan; and to further the purposes of 24 V.S.A. Chapter 117 as amended.

102. General Provisions, Applicability:

No land development as defined in section 106 of this bylaw may commence except in conformance with this bylaw. Any use not expressly permitted in any district is prohibited in that district unless it is found to be materially similar to a use which is allowed by the Zoning Board of Adjustment at a warned hearing. This bylaw shall not repeal, annul, or in any way impair any permit previously issued.

103. General Provisions, Amendment or Repeal:

1. Amendments Other Than the Ski Village Planning Area:
   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.
2. Amendments Within the Ski Village Planning Area:
   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 bylaw 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.

104. General Provisions, Severability:

The finding of invalidity of any article or section of this bylaw by a court of competent jurisdiction 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.

105. General Provisions, Disclaimer of Liability:

The regulations constituting this bylaw do not create any liability on the part of the Town of Peru, its officials, agents, employees, or representatives for alleged damages that result from reliance on this bylaw, or any administrative action or decision taken under this bylaw.

106. Land Development Requires a Zoning Permit:

As provided for in Section 4303 of the Act, and as further defined herein, land development requires a zoning permit and shall include the following:

1. The **division of a parcel of land** into two or more parcels (land subdivision, including Planned Unit Developments (PUDs), the adjustment of boundary lines and the merger of lots by deed.
2. The **construction**, reconstruction, demolition, relocation, or enlargement of a structure (see definition of "structure" in Section 1,000).
3. Removing **trees** or brush that provides screening for a previously issued permit.
4. **Structural alterations** which result in a structure with wider, longer, or taller dimensions, with more square feet of finished floor space, more dwelling units and/or which result in a reduction in any established setback distance.
5. The construction of **ponds**
6. Any **change in the use** or extension in the use of land or structures (see definition of "change of use" in Section 1,000).
7. The **addition of bedrooms** or of any other use that would require an increase in wastewater capacity.
8. Construction of a new **driveway or private road** over 10% in grade, or over 500 feet in length.
9. **Development in a flood zone**, riparian buffer, Class I or II wetland, or wetland buffer

107. General Provisions, Exemptions:

Except within the designated Special Flood Hazard Areas (See Section 900), the Peru Village Historic District (PVHD) the following are exempt from the requirement for a zoning permit in conformance with the bylaw. Unless specifically stated otherwise below, land development that is exempted is not required to meet dimensional (setback, height, etc.) or other standards of these regulations.

1. **Accepted agricultural practices** as defined by the Vermont Agency of Agriculture Food and Markets.
2. **Farm structures** other than dwellings will not require municipal permits, but notification in writing shall be filed with the Zoning Administrator using the Peru Universal Zoning Permit Application, and such structures shall abide by district setbacks unless a waiver is approved by the Secretary of the Agency of Agriculture, Food and Markets before any construction.
3. Accepted **silvicultural practices** as defined by the Vermont Agency of Natural Resources Department of Forests, Parks and Recreation.

4. Development that has secured a **Certificate of Public Good** from the Vermont Public Utilities Commission.
5. **Property maintenance**
6. **Emergency repair**
7. **Landscaping**, except for the removal of trees or shrubs required for screening by a previous permit, or the disturbance of more than 10,000 square feet of soil.
8. **Mechanical Equipment** such as generators and heat pumps with a footprint under 144 square feet (must meet district setbacks)
9. **Fuel tanks** serving one or two-unit dwellings (must meet district setbacks).
10. **Fences or walls** that meet the following characteristics:
    a. Fences that do not exceed 8 feet in height, or walls that do not exceed 4 feet in height.
    b. Fences or walls that do not extend into or obstruct a public right of way.
    c. Do not interfere with corner visibility for vehicular traffic.
    d. Are not designed to inflict physical harm.
    e. Do not affect drainage patterns of adjacent property or rights of way.
11. **Steps and ramps** to the first floor of a building (these cannot extend into road right of way without permission from the select board, or the Department of Transportation as appropriate)
12. **Public Art** that does not function as a commercial sign, does not extend into or obstruct a public right of way, interfere with corner visibility for vehicular traffic, or affect drainage patterns of adjacent property or roads.
13. **Utility Poles** erected by a public utility entity.
14. **Outdoor light fixtures** that are fully shielded and down-casting on a one- or two-unit residential property.
15. Noncommercial **Hunting, Fishing, or Trapping**
16. Noncommercial Passive **Outdoor Recreation**
17. **Work by the town or state** within a public road right-of-way
18. **Group Homes** operated under state license or registration within a one-unit dwelling that will house no more than 8 people with a disability on a property that is located no closer than 1,000 feet to a property containing any other licensed or registered group home.
19. **Customary Home Occupations** carried out fully within a dwelling unit by a resident of the dwelling, which occupy not more than 30% of the habitable floor area of the dwelling and does not have any non-resident employees.
20. **Sales of Personal Goods** (limited to 30 days in any calendar year)
21. **Mobile food service** that is not located on a parcel for longer than 3 consecutive days and for more than 8 days in any calendar year.
22. A **temporary event** as defined in section 803.
23. Planting projects to restore natural and beneficial floodplain functions, that do not involve grading, or construction of structures.

108. General Exemptions, Limitations:

In accordance with state statute, landowners must obtain a zoning permit and site plan approval for development associated with the government or community facilities listed below, unless otherwise exempted under these regulations. Development associated with a government or community facility must meet the same standards as comparable types of private development unless the applicant demonstrates that meeting the standard(s) will interfere with the intended function or use of the government or community facility in accordance with state statute.

1. **Institutions or facilities owned and operated by the town, county, or state**
2. Public or private **schools** or other educational institutions certified by the state
3. **Places of worship** or religious institutions owned and operated by a tax-exempt organization
4. Public and private **hospitals** certified by the state
5. **Waste management facilities** certified by the state.
6. **Emergency Shelters**

109. Prohibited Uses:

The following uses are prohibited in the Town of Peru

1. Heavy Industry
2. Oil and natural gas drilling.
3. Uses with drive-through facilities except gas pumps.
4. Uranium mining.
5. Tank Farm/ Fuel Storage and distribution
6. Extraction and quarrying

110. Nonconformities, General:

1. 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) even if it does not conform to the current provisions of the district in which it is located.
2. A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in its zoning district.

111. Nonconformities, Changes to structures that do not require a hearing:

The Administrative Officer may issue a zoning permit for the following types of changes to nonconforming lots, uses and structures:

1. Adding to the conforming part of a nonconforming structure
2. Replacing a nonconforming deck or porch within the same footprint
3. Replacing all or part of a foundation without moving the building.
4. Minor changes necessary to comply with state or federal building code, energy code or accessibility requirements.
5. Repair and maintenance
6. The reconstruction of a non-conforming structure which was destroyed by fire or

other disaster, provided the owner applies for a zoning permit within a period of three years from the date of the destruction. This exemption specifically excludes:

- Structures in a flood zone or the Peru Village Historic District.
- Structures destroyed by neglect or abandonment.

7. The extension or expansion of a nonconforming use to fully occupy space within the associated structure as that structure existed when the use became nonconforming.
8. The extension or expansion of a nonconforming use to occupy up to 25% more floor area than when the use became nonconforming in a lawful addition to the existing structure.
9. Any existing lot which does not meet the acreage requirements of its underlying district 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 which meets the requirements of this section cannot meet the dimensional requirements other than lot size, a variance or waiver is required.

112. Nonconformities, Changes requiring a hearing:

All other changes to nonconforming structures or uses require a warned hearing before the ZBA where the application demonstrates that the proposed.
development will result is a structure or use that that will:

- Be less intensive in nature,
- Result in a structure or use that will have fewer off-site impacts.
- Result in a structure or use that will be more compatible with the character of the area than the existing nonconforming use.
- And that prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the owner of the noncomplying structure.

113. Changes to Nonconforming Structures and Uses Requiring a Hearing, Conditions:

If the ZBA finds that the applicant can meet the criteria in Section 112 above, they may impose conditions on the approval such as restrictions such as limits on exterior lighting and visual screening to mitigate the impact of the nonconforming structures and uses.

114. Nonconformities, 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.

200. ZONING DISTRICTS

201. ESTABLISHMENT OF ZONING DISTRICTS:

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

- Rural Residential 2 District [RR 2]
- Rural Residential 5 District [RR 5]
- Peru Village Historic District [PV]
- Bromley Village District [BV]
- Bromley Resort District [BR]
- Forest Recreation District [FR]
- Route 11 Corridor Overlay

202. BOUNDARIES:

The location and boundaries of the zoning districts are established and shown on the zoning map at the Town Hall and available online (see Peru Online Zoning Resources Item #1). 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.

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. Where there is a dispute as to where a boundary lies, the location of the boundary shall be determined by the Zoning Board of Adjustment based on surveys and such other evidence of location.
5. 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 a lot, provided it conforms to the dimensional requirements of the governing district.
6. If a district line passes through a lot, under no circumstances shall uses be permitted to overlap the district boundaries into a district where that use is not allowed.

203. OTHER AREA AND DIMENSIONAL REQUIREMENTS:

The following rules apply to every district:

1. **Principle Structures:**
   - In all zoning districts, except the PVHD and BR districts, there shall be only one principal structure occupied by one principal use on a parcel, unless approved as a Planned Unit Development.
   - In the PV and BR Districts, more than one principal structure per lot (occupied by one or more principal uses) may be allowed after conditional use review. All uses on such a property must be either permitted or conditionally permitted within the district.
2. **Lots Held in Common:** Landowners shall not build on the boundary between two lots even if they own both sides of the boundary. Landowners who own adjoining lots who want to build on or near the boundary between two lots than allowed may apply to merge the lots.
3. **Minimum Road Frontage:** is measured on the side of the lot with access to a town or a private road. On lots accessed by right of way easements the lot frontage requirement becomes the minimum lot width requirement, measured at the front of the primary structure.
4. **Distance Between Easements:** No two easements for accessing a non-frontage lots shall have highway access points which are closer together than the minimum frontage of the district.
5. **Minimum Lot Depth:** is the average distance between the Road frontage and the rear of the lot.
6. **Front Setbacks:**
   - **Town roads and private roads**: Setbacks shall be measured from the middle of the road to the structure, not counting steps or ramps to the first floor.
   - **State highways** Setbacks should be determined after consultation with Vt. Dept. of Transportation and the Zoning Administrator.
   - **On Lots Accessed by Right of Way Easements**, the required front setback shall be the same as the side and rear setback.
   - **The Front Setback for Signs** on a town road is 35 feet from the center of the road; front setbacks for signs and on state highways must be verified with the Vermont Department of Transportation and the Zoning Administrator
7. **Side and rear setbacks** are measured from the property line to the structure, not including steps or ramps to the first floor. On corner lots side setbacks are measured from the edge of the road right of way.
8. **Ramps and entry stairs in the front setback:** may only extend into the highway right-of-way with the permission of the selectboard in the case of town highways, or the Vt. Dept. of Transportation in the case of state highways.
9. **Projections:** Every part of a required yard setback shall be open from grade level to the sky unobstructed by any structure including cantilevered floors and balconies, but not including the ordinary projections of sills, cornices, pilasters, chimneys and eaves, bay windows, provided that no such projections may extend more than two

feet into any required setback. Any projection of more than two feet must meet district setback requirements.

10. **Setback Waivers and Variances:** The PC may grant a waiver or variance to reduce setback requirements in accordance with Section 518
11. **Building Height:**
    The maximum height of any structure in all districts, exclusive of chimneys, cupolas, antennae, and rooftop solar collectors less than 10 feet in height above a roof, is 35 feet from 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.
12. **Exemptions to the Maximum Height Requirements that can be made by the ZA:**
    Exemptions to the maximum height requirement may be made by the Z.A. for:
    - Alternative energy or communications structures with a certificate of public good from the public utilities commission.
    - Agricultural structures
    - Treehouses that are not used as sleeping quarters.
13. **Exemptions to the maximum height that can be made by the ZBA:**
    - Exemptions to the maximum height requirement may be made by the ZBA If they find at a warned hearing that the structure will not constitute a hazard to public safety, or the character of the surrounding area.
    - The ZBA may impose conditions such as fencing, visual screening, or increased boundary setbacks.
14. **Exemptions to the Maximum Height Requirements, Notification:**
    The Administrative Officer must notify the Fire Department in writing of any application for a height waiver or structure that will exceed the maximum height for the zoning district.
15. **Setbacks from Watercourses:**
    - Setbacks from a watercourse are 50 feet measured from the mean water level, or just outside of the flood zone, whichever is greater.
    - The State of Vt. may restrict the clearing of trees and/or brush or excavating within watercourse setback zones.
    - Some development may be allowed within the flood zone, but it will require a lengthy state approval process.
    - Flood zones are shown on Federal Flood insurance maps and are also shown the Peru Online Zoning Resources Page item #2).
16. **Setbacks From Wetlands**:
    The boundaries of many wetlands are shown on state wetlands maps (see the Peru Online Zoning Resource Map item #3), some must be determined by site inspection. The State of Vt. may restrict the clearing of trees and/or brush within wetland setback zones.
17. **When Land is in Two or More Municipalities:**

Development may only extend into the portion of the lot in Peru if it conforms to the

standards of the applicable district. However, the standards of the applicable district can be met by considering the entire lot including portions not located in Peru (lot size, frontage and access requirements can be met from land in the other town)

18. The edge of Roads:

The edge of the road surface is not the edge of the road right of way. and it shall not be used to measure setbacks. On town highways the edge of the right of way is 25 feet from the center of the road. On state highways the edge of the right of way varies.

19. Lots That are Divided by a Road:

Lots that are in one deed, but already divided by a public highway (town or state) shall be considered subdivided. Undersized lots subject to this rule may be treated like a preexisting small lot (see section 111.9), but they cannot be sold separately without creating a formal subdivision.

204. DISTRICT DIMENSIONAL REQUIREMENTS TABLE:

District	RR-2	RR-5	PV	BV	BR	FR	ROUTE 11
Lot size	2 acres	5 acres	0.25 acres	0.5 acres	2 acres	25 acres	*
Front setback	75' except in the Rt. 11 Overlay	75' except in the Rt. 11 Overlay	55'	55'	100'	200'	100’ Residential 200' commercial
Side and rear setback	25'	50'	25'	25'	75'	200'	100’ Residential 200' commercial
Frontage	75'	200'	75'	50'	25'	200'	*
Height	35'	35'	35'	35'	25'	25'	*
Lot coverage	15%	15%	35%	15%	15%		*
Driveway setback	Lots < 2 acres 10 feet			Lots > 2 acres 25 Feet			

205. DISTRICT USE TABLE:

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	BV	RR 2	RR 5	PV	BR	FR
Accessory Dwelling Unit	P	P	P	P	P	X
Accessory On-farm Business	X	C	C	X	X	X
Accessory Uses and Structures	P	P	P	P	P	X
Agricultural Uses	P	P	P	P	P	X
Bank	X	X	X	C	X	X
Bar	X	X	X	P	P	X
Primitive Camp	X	P	P	X	X	X
Campground >3 Sites	X	C	C	X	X	C
Catering/ Food and Beverage Manufacturing [LTZ2]	X	X	C	X	X	X
Cemetery	X	C	C	C	X	X
Childcare<6 (Family Childcare Home)	P	P	P	P	P	X
Childcare>6 (Childcare Facility)	X	X	X	C	C	X
Commercial Accommodations, Hotels, Motels Inns	X	X	X	C	C	X
Customary Home Occupation	P	P	P	P	P	X
Educational institution	C	C	C	P	P	X
Event Facility	X	X	X	X	C	X
Emergency Shelter	P	P	P	P	P	X
Family childcare home	P	P	P	P	X	X
Forestry Uses	P	P	P	P	P	P
Gas Station						
Group Home	P	P	P	P	P	X
Hazardous Waste Management Facilities Certified Under 10 V.S.A. Section 6606(a)[LTZ3]	X	C	C	X	X	X
Hiking or ski touring shelters	X	C	C	C	X	C
Home Business	C	C	C	C	C	X
Hospitals, clinics, veterinarians, Sanitariums, hospitals, nursing homes, rest homes, and philanthropic institutions, residential care home	X	C	C	C	C	X
	BV	RR 2	RR 5	PV	BR	FR

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	BV	RR 2	RR 5	PV	BR	FR
Industry, light	X	X	C	X	X	X
Industry, Heavy	X	X	X	X	X	X
Junkyard	X	C	C	X	X	X
Mobile Home Park	X	C	C	X	X	X
Multi-family Dwelling	C	X	X	X	C	X
Multi-Use Building	C	X	X	X	C	X
Municipal Facilities	C	C	C	C	P	X
Museum or Library	X	X	X	C	C	X
On Farm Accessory Business	X	C	C	X	X	X
One of Two Family Home	P	P	P	P	P	X
Owner occupied B and B or Boarding House	X	X	X	C	C	X
Outdoor recreation no structure	P	P	P	P	P	P
outdoor recreation structure	C	C	C	C	C	C
Planned Unit Development	C	C	C	C	C	X
Primitive Camp	X	P	P	X	X	X
Private club	C	X	X	C	C	X
Regional Solid Waste Management Facilities Certified Under 10 V.S.A. Chapter 159	X	C	C	X	X	X
Religious Institutions	C	C	C	C	C	X
Restaurant/bar	X	X	X	C	C	X
Retail/Repair Shop/ Personal Services/gallery	X	X	X	P	P	X
Snow Ski Area	X	X	X	X	C	C
State or town Owned and Operate Facilities and Services	X	C	C	C	C	X
Subdivision, Major	C	C	C	C	C	C
Subdivision, Minor	P	P	P	P	P	P
Theater	X	X	X	C	C	X
Wildlife Refuge/ Park	X	P	P	P	X	P

206. Zoning Districts, BROMLEY VILLAGE DISTRICT (BV):

The purpose of the Bromley Village District is 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. New construction in the Bromley Village is subject to state wetlands, stormwater and wastewater permitting.

207. Zoning Districts, Rural Residential-2 District (RR2):

The purpose of the Rural Residential 2 district is 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.

208. Zoning Districts, Rural Residential-5 District (RR5):

The purpose of the Rural Residential 5 district is 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.

209. Zoning Districts, Peru Village Historic District (PVHD):

The purpose of the Peru Village District is to is to protect a unique concentration of historic landmarks, to ensure that new development is in keeping with the historic pattern and character of development in the Peru Village, to maintain Peru Village as the center of the town and to serve as the commercial service and administrative center for Peru residents, and to preserve and enhance the historic structures that are located in the village. 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.

210. Zoning Districts, Bromley Resort District (BR):

The purpose of the Bromley Resort District is 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.

211. Zoning Districts, Forest Recreation District (FR), Purpose:

The purpose of the Forest Recreation District is 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 ensure that activities occurring on public lands do not overburden town services,

including roads, rescue, fire prevention, and solid-waste disposal.

212. Zoning Districts, Forest Recreation District (FR), Historic Fire Tower:
The summit of Bromley Mountain has historically had a fire tower. A similar structure may be rebuilt in its historic location even if it will not meet the district's current dimensional requirements.

213. Zoning Districts, Route 11 Corridor Overlay 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 by minimizing 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.

214. Zoning Districts, Route 11 Corridor Overlay, Boundaries:
Properties in the Route 11 Corridor Overlay include any lot which has a property line which touches the right-of-way line of Route 11, and any of the contiguous parcels under common ownership.

300. ADMINISTRATION:

301. Administration, Zoning Administrator:

A Zoning Administrator shall be appointed by the selectboard with the approval of the Planning Commission 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.

302. Administration, Zoning Board of Adjustment:

There shall be a Zoning Board of Adjustment consisting of 5-6 members whose terms shall last three years. 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 and waivers.
3. Consider and grant or deny applications for conditional uses.
4. Consider and grant or deny applications for expansions of non-conforming uses and non-complying structures.
5. Resolve any uncertainties on the zoning map.

303. Administration, Planning Commission:

There shall be a Planning Commission, consisting of 4-6 members appointed by the select board whose terms shall last three years. The Planning Commission shall have the following functions:

1. Prepare amendments to the zoning bylaw as permitted by 24 V.S.A. Chapter 117.
2. Prepare a town plan.
3. Review and approve or disapprove site plans.
4. Review and approve subdivisions.
5. Consider and grant or deny requests for a planned unit development.

304. Administration, Townscape Preservation Board:

There shall be a Townscape Preservation Board consisting of from three to seven members who are residents of the town, which shall be appointed by the Selectboard to review applications and make recommendations to the Planning Commission on applications for development in the Peru Village Historic District.

305 Administration, Select Board and Road Commissioner:

The selectboard shall appoint a road commissioner who shall with the selectboard approve all new or modified access points on town highways, and shall inspect any new private roads. The Selectboard shall approve bonds when required as a condition for approval of permits.

400. ADMINISTRATIVE PERMITS:

401. Types of Administrative Permits:

The following types of Zoning Permits can be issued by the ZA without a hearing:

1. 1-2 family homes outside of the PVHD.
2. Accessory uses to 1 and 2-family homes.
3. Signs
4. Boundary line adjustments
5. 2-lot subdivisions
6. Temporary structures
7. Minor changes to existing commercial and conditional uses
8. Permits within the Route 11 Corridor Overlay

402. One and Two-Family Homes Outside of the PVHD:

An application for a new one or two-family home outside of the PVHD or RPO, or an addition or accessory use thereto must demonstrate that the proposed development meets all the dimensional requirements of the zoning district. Applications within the Rt.11 overlay must also meet the requirements of section 213. Applications shall include:

1. A **zoning permit application** form signed by the applicant and the owner of the property, or an agent of the entity that owns the property (See Peru online Zoning Resources item #4).
2. A **zoning permit fee** (See Peru online Zoning Resources item #5)
3. A **site plan sketch** showing the approximate locations of all structures, the driveway, any easements, the well, septic system, drawn on a copy of a survey or a satellite photo that shows the property boundaries. (for satellite photos see Peru Online Zoning Resources item #6)
4. A **highway access permit** issued by the Road Commissioner (See Peru online Zoning Resources item #7 road comm) or the Vt. Department of Transportation is required for a new or modified driveway (See Peru online Zoning Resources item #8).
5. A state issued **wastewater permit number** is required for any application that adds a bedroom or otherwise increases the production of wastewater such as a home business (See Peru online Zoning Resources item #9).

403. Boundary Line Adjustment, Purpose:

In accordance with Section 4464(c) of the Act, this bylaw grants the Administrative Officer of Peru the authority to administratively review requests for Boundary Line Adjustment between or among legal lots, as well as reviewing mergers of lots.

404. Boundary Line Adjustment, Application requirements:

To obtain a Boundary Line Adjustment permit, the applicant must submit the following documentation to the Administrative Officer:

1. A zoning permit **application** signed by all the landowners or agents of all the entities

which own the properties (See Peru online Zoning Resources item #4).
2. A **zoning permit fee** (See Peru online Zoning Resources item #5)
3. A **survey plat** done by a licensed surveyor showing all existing features, including but not limited to structures, roadways, easements, driveway and highway access, parking, wells and septic systems, streams, wetlands. Lots that have been surveyed in the past can be merged without the submission of a new survey.
4. **A state wastewater permit** number or Boundary Line Adjustment Exemption Form. (See Peru Online Zoning resources page item #10)

405. Boundary Line Adjustment, Applicability:

To qualify for an administrative Boundary Line Adjustment, the requested adjustment must meet all of the criteria outlined below. Applications that fail to adhere to one or more of the following criteria will require review by the PC:

1. The adjustment creates **no additional lot(s)**
2. **No nonconformities** are generated within the resultant lots (i.e., no violations of existing regulations for lot size, building setback, lot coverage, etc. as a result of adjustment)
3. There are no new **right of way easements** requested**.**

406. Boundary Line Adjustment, Filing a Survey Plat:

1. After approval by the Zoning Administrator, the applicant will have 180 days to provide an 18”x24” copy of the survey plat on mylar film, which shall be endorsed by the Zoning Administrator and then recorded by the Town Clerk.
2. If applicants cannot obtain a mylar survey plat in that time period they can apply for one 180-day extension of the deadline,

407. Administrative Site Plan Review, General:

Very small changes to existing uses including uses in in the PVHD, to commercial and conditional uses may be made by administrative permit. To qualify for Administrative Site Plan Review an application must not involve:

1. Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use)
2. Construction or major renovation of a principal building or of an accessory building with a footprint greater than 500 square feet
3. Any increase of 2,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).
4. Any development in a floodway, excavation in a flood zone, or substantial improvement of a structure in a flood zone

408. Administrative Site Plan Review, Application requirements

Applicants for an administrative site plan review must provide:

1. A zoning permit **application** signed by the applicant and the landowner or the agent of the entity which owns the land (See Peru online Zoning Resources item #4).

2. A **permit fee**, (See Peru online Zoning Resources item #5).
3. A **site plan sketch** done on a copy of a survey or a satellite photo showing structures, well, septic, boundaries, driveway etc. (See Peru online Zoning Resources item #6).

409. Administrative site plan review:

When presented with an application for administrative site plan review, the Zoning Administrator may:

1. Approve, deny or refer administrative site plan applications, or forward them to an appropriate town board (ZBA or PC).
2. Approve an administrative site plan application with conditions as necessary to ensure compliance with these regulations.

410. Minor Subdivision, General:

The Zoning Administrator may issue administrative permits for two lot subdivisions.

411. Minor Subdivision, application:

An application for a two-lot subdivision must include:

1. A zoning permit **application** signed by the applicant and the landowner or the agent of the entity which owns the land (See Peru online Zoning Resources item #4).
2. A **permit fee**, (See Peru online Zoning Resources item #5).
3. A **survey plat** prepared by a licensed surveyor showing the existing and proposed boundaries
4. A state subdivision permit number, and wastewater permit number or deferral number.

412. Minor Subdivision, criteria:

The Z.A must find the following:

- That the lot to be subdivided has existed for ten or more years, if not the applicant must apply for a Major Subdivision Permit.
- Any lots created will conform to the area and dimensional requirements for applicable district.
- Lots inside the Route 11 overlay must meet the requirements of section 415-418.
- There are no new right of way easements requested.
- The ZA may refer applications within the PVHD to the appropriate town panel.

413. Minor Subdivisions, Filing a survey plat:

1. After approval by the Zoning Administrator, the applicant will have 180 days to file a copy of the 18”x24” survey plat on mylar film, which must be endorsed by the Zoning Administrator and recorded by the Town Clerk.
2. If applicants cannot obtain a mylar survey plat in that time period, they can apply for one 180-day extension of the deadline,

413. Permits in the Route 11 Overlay, Application requirements:

Applicants for development in the Route 11 overlay must provide:

1. A zoning permit **application** signed by the applicant and the landowner or the agent of the entity which owns the land (See Peru online Zoning Resources item #4).
2. A **permit fee** (See Peru online Zoning Resources item #5).
3. A **site plan sketch** done on a copy of a survey or a satellite photo showing structures, well, septic, boundaries, driveway etc. (See Peru online Zoning Resources item #6).

415. Permits in the Route 11 Overlay:

When presented with an application for development in the Route 11 overlay, the Zoning Administrator may:

1. Approve, deny or refer administrative site plan applications, or forward them to an appropriate town board.
2. Approve an administrative site plan application with conditions as necessary to ensure compliance with these regulations.

416. Permits in the Route 11 Overlay, Criteria for approval:

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 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 at a warned hearing 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.

417. Route 11 Overlay District, Dimensional Requirements:

Setbacks from the edge of the Route 11 right of way:

1. Single and two-unit dwellings-100 Feet
2. All other uses, 200 Feet
3.

418. Route 11 Overlay District, 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.

419. <u>COMPLETION OF ADMINISTRATIVE PERMITS</u>:

1. If a Zoning Administrator determines that a permit **application is incomplete**, they shall return the permit to the applicant and request more information.
2. When an administrative permit is approved or denied, the Zoning Administrator shall within 3 days, **post a copy of the permit** in the Town Office until the expiration of 15 days from the date of the issuance of the permit and deliver a copy of the permit to the

Listers of the Town of Peru.

3. **If a permit application is not acted upon** by the Zoning Administrator in 30 days, the applicant shall post, on the 31st day, a true copy of the application prominently in the Peru Town Office for a period of 15 days, together with a notice that appeals may be filed with the Zoning Board of Adjustment, and, if no appeals are filed during 15 days after the applicant posts this notice, the permit shall be deemed to be issued on the 46th day after submission of the application to the Administrative Officer.
4. Each issued Zoning Permit/approval shall require that the applicant post a **notice of the permit**, in a form prescribed by the Town of Peru within view from the public right-of-way most nearly adjacent to the subject property, until the time for appeals has passed as described in 24 V.S.A. Section 4465 Failure to perform this requirement shall invalidate the permit and will be treated as a violation of these Regulations.
5. Each issued Zoning Permit/approval shall contain a statement of the period of time within which an **appeal** may be taken.
6. Within 30 days after a Zoning Permit/approval has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
   a) deliver the original or a legible copy of the Zoning Permit/approval or notice of violation, or a notice of municipal land use permit generally in the form set forth in subsection 24 VSA §1154(c) to the **Town Clerk** for recording as provided in §1154(a); and
   b) **file a copy** of that municipal land use permit in the Town Office in a location where all municipal land use permits shall be kept.
7. **The Town Clerk may charge** the applicant for the cost of the recording permits and other documents as required by law.
8. 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 Zoning Compliance** is issued by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of the zoning regulations.

420. Appeal of Administrative Officer Decisions:

An interested person, as defined in Section 4465 of the Act, may appeal any act or decision of the Administrative Officer to the Zoning Board of Adjustment within fifteen (15) days of such act or decision. For the purposes of these regulations, an interested person is:

1. An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property.
2. The Town of Peru or any adjoining municipality.
3. A person owning or occupying property in the immediate area of proposed development who can demonstrate:
   - A physical or environmental impact on his/her interests
   - That the action taken, or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the Peru Town Plan, as

most recently adopted.

4. Any combination of at least 10 voters or landowners in Peru who by signed petition allege that the relief an applicant is requesting under this subchapter is not in accord with the policies, purposes, or terms of these regulations or the Peru Town Plan, as most recently adopted.
5. Any department or administrative subdivision of the state that owns property or interest in property in Peru, and the Vermont Agency of Commerce and Community Development.

421.**Notice of Appeal:** A notice of appeal shall be sent to the Town of Peru and shall include:

1. The name and address of the person appealing
2. A brief description of the property with respect to which the appeal is taken.A reference to the regulatory provisions applicable to that appeal, the relief requested by that person.The alleged grounds why such requested relief is believed proper under the circumstances.
3. If an appeal is pursued by an interested party, the applicant shall be required to post a Hearing Notice poster on a form prescribed by the Town of Peru within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal in §4465 of the Act has passed. Failure to fulfil this requirement shall invalidate the permit and will be treated as a violation of these Regulations.
4. If a notice of appeal of an administrative permit is properly filed, no such permit shall take effect until adjudication of that appeal by the Zoning Board of Adjustment is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay.

500. PERMITS REQUIRING A HEARING:

501. Development in the PVHD, Applications:

An application for development in the Peru Village Historic District must demonstrate that the proposed development meets all the dimensional and architectural requirements of the zoning district. Any development within the Route 11 Overlay District must meet the requirement of section 413-418 as well. Applications shall include:

- A zoning permit application form (See Peru online Zoning Resources item #4) signed by the applicant and the owner of the property, or an agent of the entity that owns the property.
- A zoning permit fee (See Peru online Zoning Resources item #5).
- For 1 and 2-family homes, a site plan sketch showing the locations of all structures, the driveway, any easements, the well, septic system drawn on a copy of a survey or a satellite photo that shows the property boundaries (See Peru online Zoning Resources item #6).
- For other types of development, a site plan which meets the requirements of section 511 and a narrative which meets the requirements of section 512 is required.
- An elevation drawing of the proposed work.
- A narrative describing how the applicant proposes to meet the standards in section 504.
- A Highway Access Permit issued by the Selectboard (See Peru online Zoning Resources item #7) or the Vt. Department of Transportation is required for a new or modified driveway. (See Peru online Zoning Resources item #8).
- A state issued wastewater permit number is required for any application that adds a bedroom or otherwise increases wastewater (See Peru online Zoning Resources item #9).

502. Development in the PVHD, Procedures:

The procedures for Site Plan Review in section 511 of this bylaw shall be followed to obtain approval from the Planning Commission under this section.

503. Development in the PVHD, Review standards:

In addition to the standards in section 209 the commission shall consider the following in its review of plans submitted.

1. The Planning Commission and Township Preservation Board shall be strict in its judgment of plans for those structures deemed to be historic landmarks.
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 Planning Commission is satisfied that

the proposed the plan will not materially impair the historic or architectural significance of the structure or district unless.

- The structure is a deterrent to a major improvement program that will be of clear and substantial benefit to the municipality; or
- The retention of the structure would cause undue financial hardship to the owner.

504. PVHD, Standards for 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 Retention of 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 new or altered 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), may be modified by waiver according to the criteria and procedure of Section 518-521.
10. Style New construction or alterations shall be of compatible architectural style as that of existing historic landmarks.

505 CONDITIONAL USE APPROVAL:

506. Conditional use approval, hearing required:

With the exception of very small changes to existing conditional uses outlined in section 407-9, no zoning permit shall be issued by the Administrative Officer for any new conditional use or, or major change in the operation of an existing conditional use until the ZBA grants such approval. Conditional uses shall be permitted only if the ZBA determines, after public notice and hearing, that the proposed use conforms to the general and specific standards contained within these Bylaws and specifically to the standards listed in Section 508 below. In considering its action, the Board shall make findings on general and specific standards and may attach conditions as provided for in Section 4464(b)(2) of the Act.

507. Conditional use, Application:

Applicants shall provide:

1. an **application** signed by the applicant and the landowner, or the agent of the entity that owns the land.
2. A zoning permit **fee**
3. Unless waived by the ZBA, projects other than 1-2 family homes require the submission of a **site plan(s)** that meets the requirements of section 511.
4. A **narrative** saying how the application meets the criteria in 508.

508. Conditional use approval:

At the hearing the applicant must explain that the proposed conditional use will not violate any of Peru's zoning bylaws or result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities
2. The character of the area of the proposed development, as defined by the purpose or purposes of the zoning district within which the project is located and the policies and standards of the Town Plan
3. Natural resources and environmental quality
4. Traffic on roads and highways in the vicinity
5. Utilization of renewable energy resources.

509. Site Plan Approval, hearing required:

With the exception of:

- One-and two-family dwellings and extensions thereof
- Minor changes to existing structures listed in section 407-9.
- Temporary structures
- Signs
- Agricultural and forestry uses.

No zoning permit shall be issued for any use or structure until the Zoning Board of Adjustment and/or Planning Commission grants site plan approval.

510. Site Plan Approval, Route 11 Overlay District:

Any development within the Route 11 Overlay District must meet the standards of sections 213-214.

511. Site Plan Review, Application:

Unless waived by the ZBA, projects other than 1-2 family homes require the submission of a 24”x36” site plan(s) prepared by a surveyor, engineer or architect, detail drawings drawn to scale, and electronic copies. Plans should show:

- North arrow
- Scale
- Date the map was prepared
- Name address and qualifications of person or firm preparing the map
- Zoning district setbacks
- All proposed improvements and land use areas,
- Existing and proposed utilities (electric, telephone, cable)
- Well, septic system and protection shields
- Proposed site grading
- Temporary structures
- Signs
- Exterior Lighting
- Proposed pedestrian and traffic access, circulation, driveways, private roads
- Parking and screening for parking
- Loading areas and screening
- Utility areas and screening
- Dumpsters, food scrap and recycling containers and screening
- Landscaping
- Right of Way Easements
- Public restrooms
- Handicap access
- Erosion control plans
- Impervious coverage and storm water management systems
- Outdoor seating at a restaurant
- Important natural features such as fields, woods, streams, wetlands, flood zones, specimen trees.

512. Site Plan Review, Narrative:

The application should also contain a narrative describing the project, which covers the following requirements or requests for waivers of the following variances.

- Land and deed restrictions
- District Dimensional standards
- A description of access, driveways, private roads

- Status of highway access permits (
- Flood Zones, wetlands, riparian buffers
- Impervious Coverage and stormwater treatment (status of state permit when required)
- Existing and proposed Easements and covenants
- Temporary structures
- Hazards to the Public
- Wastewater and Potable water Permits
- Other state permits
- Parking (number of sites required, handicapped parking, EV charging)
- Increase in traffic, especially peak hours
- Natural resources, deeryards, bear corridors, areas over 2,500 feet
- Loading areas
- Landscaping and screening
- Signs
- Public Restrooms
- Nature of the proposed development
- Hours of operation
- Noise level
- Lighting level
- Total site acreage, total impervious area
- Detailed specifications of the planting and landscaping materials proposed.
- Construction sequence and time schedule for completion of each phase in which all site improvements will be completed.

513. Site Plan Review, State Permits:

- Wastewater permit application number
- Stormwater treatment plan
- Act 250 application included
- ANR flood zone approval
- ANR wetland approval
- Vt. permit Review Sheet

514. Site Plan Review, Performance Standards:

All applications in Peru must meet the following performance standards. The Administrative Officer shall decide whether proposed permitted uses not requiring site plan approval meet the standards, the Zoning Board of Adjustment and/or the Planning Commission, as applicable, shall decide on the conformance of proposed uses with the standards for conditional use review and site plan approval.

1. Emit noise in excess of 70 decibels.
2. Emit any smoke, in accordance with applicable standards, guidelines, and/or regulations established and/or enforced by the State of Vermont

3. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person.
4. Cause, as a result of normal operations, a vibration which causes displacement of 0.002 of one inch.
5. create glare, which could impair the vision of a driver of any motor vehicle or trespass on adjoining properties.
6. Cause a fire, explosion or safety hazard.
7. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the local and state sewer health standards.
8. Create any non-agricultural odor, which is considered offensive.
9. Involve the storage of any flammable liquid in tanks above ground shall conform to the standards set by the Vermont Dept. of Labor and Industry, Fire Prevention Division.
10. Result in the dumping of refuse and waste material for landfill. Loam, rock, stone, gravel, sand, cinders, stumps, and soil may be used for landfill.

515. Variances, Authority:

The ZBA may grant relief from certain aspects of the bylaws after a public hearing, and under the narrow circumstances outlined in 24 V.S.A. § 4469

516. Variances, Application Requirements:

An applicant for a variance must submit:

1. A complete zoning permit application (See Peru Online Resources Page item #4)
2. A zoning fee (See Peru online Zoning Resources item #5)
3. A site plan sketch on a copy of a survey or a satellite photo of their lot. (See Peru Online Resources Page item #6)
4. A written request for a variance that includes the following:
   - A brief description of the subject property and proposed land development.
   - A reference to the dimensional standard from which the applicant is seeking a variance.
   - The specific modification that the applicant is requesting.
   - A narrative addressing each of the criteria that the Zoning Board of Adjustment will use to decide whether to approve the variance in section 517.
5. If the applicant is requesting a waiver from the setback from a state highway, notice of the hearing must be sent to the Vermont Secretary of Transportation.

517. Variances, criteria for approval:

The ZBA may grant a variance from a provision of this bylaw 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.

518. Waivers, Authority:

The purpose of waivers is to allow for minor additions to a structure that would not be counter to the purpose of these bylaws or the Town Plan, but which might not meet the standards for the granting of a variance. A waiver may be granted only to reduce dimensional requirements as provided below, and compliance with all other requirements of this Bylaw is required. The Zoning Board of Adjustment may impose conditions regarding the design and screening of the addition to mitigate any impacts on neighboring properties.

519. Waivers, Application Requirements:

An applicant for a waiver must submit:

1. A complete zoning permit application (See Peru Online Resources Page item #4)
2. A zoning fee (See Peru online Zoning Resources item #5)
3. A site plan sketch on a copy of a survey or a satellite photo of their lot (See Peru Online Resources Page item #6).
4. A written request for a waiver that includes the following:
   - A brief description of the subject property and proposed land development.
   - A reference to the dimensional standard from which the applicant is seeking a waiver.
   - The specific modification that the applicant is requesting.
   - A narrative addressing each of the criteria that the Zoning Board of Adjustment will use to decide whether to approve the waiver in section 521.

5. If the applicant is requesting a waiver from the setback from a state highway, notice of the hearing must be sent to the Vermont Secretary of Transportation.

520. Waivers that can be applied for:

Landowners may apply for the following types of waivers:

1. The reduction of a driveway's setback because of steep or wet terrain.
2. An addition to an existing principal structure that does not meet district setbacks if said addition does not increase the footprint of the structure by more than 5 percent or 200 square feet, whichever is greater.
3. An accessory structure or an addition to an accessory structure that does not meet district setbacks if such development does not increase the lot coverage by more than 5 percent or 200 square feet, whichever is greater.
4. An addition specifically intended to improve access for disabled persons, or to improve fire safety,
5. A porch, deck, entryway, stairway, similar structure, or other minor addition to an existing building.
6. The board may waive or modify the access requirements of the Rt11 Overlay

521. Waivers, Review Criteria:

To approve a waiver, the Zoning Board of Adjustment must conclude that all of the following criteria are met:

1. The proposed land development is in keeping with the goals and policies of the Peru Town Plan (See Peru Online Resources Page item #11).
2. The proposed development will not alter the essential character of the area or district in which the subject site is located.
3. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.
4. The proposed land development will not be detrimental to public health, safety, or welfare.
5. The proposed land development is beneficial or necessary for the continued reasonable use of the subject property.
6. The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening, or other remedy.
7. The applicant is proposing the least deviation possible from this bylaw that will afford relief.
8. No setback for a structure shall be reduced to less than 25 feet in the FR, or Rural Residential Districts, or to less than 10 feet in the Peru Village District or Bromley Village District.
9. No setback for a structure from Route 11 in the Route 11 Corridor may be reduced to less than 50.'
10. No setback from a wetland, watercourse of flood-zone shall be reduced by the granting of a waiver without a state permit.

522. Development accessed by an easement, Application:

Applicants for development accessed by an easement over someone else's land shall submit:

1. A zoning permit **application** signed by the applicant and the landowners or the agents of the entities which own the land. (See Peru Online Resources Page item #4).
2. A **site plan** done by a licensed surveyor which shows the easement, boundaries, structures, well, septic, and driveway.
3. A **highway access permit** from the Road Commissioner. (See Peru Online Resources Page item #7) or the Vermont Department of Transportation. (See Peru Online Resources Page item #8) as appropriate. If the easement is accessed from a private road, the application must meet the requirements of Section 821.

523. Development accessed by an easement, Approval:

The Planning Commission shall review and decide upon access easements in accordance with Section 4412(3) of the Act (See also Section 821 of these Bylaws.). This permission stays with the lot until it is re-subdivided.

524. Changes to Nonconforming Structures and Uses Requiring a Hearing, Application:

Applicants for changes to nonconforming uses or structures shall submit:

1. a zoning permit **application** signed by the applicant and the landowner or the agent of the entity which owns the land (See Peru Online Resources Page item #4).
2. A zoning permit application fee (See Peru online Zoning Resources item #5)
3. A **site plan** which shows structures, well, septic, and driveway on a copy of a survey or satellite photo (See Peru Online Resources Page item #5) which shows the boundaries.
4. A **narrative** saying that:
   - The application will result is a structure or use that that will be less intensive in nature,
   - Will result in a structure or use that will have fewer off-site impacts.
   - Will be more compatible with the character of the area than the existing nonconforming use.
   - That prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the owner of the noncomplying structure.

525. Changes to Nonconforming Structures and Uses Requiring a Hearing, Conditions:

The PC may impose conditions such as restrictions such as limits on exterior lighting and visual screening to mitigate the impact of the nonconforming structures and uses.

600. MAJOR SUBDIVISIONS AND PUDS:

601 Subdivisions and PUDs General

Subdivisions and PUDs must meet all the general standards of these bylaws, as well as the standards found in section 409: site plan review, and the standards of section 600 below.

602. Subdivisions: Application:

Applicants who wish to subdivide one lot into three or more lots, shall provide:

1. A **survey plat** prepared by a professional surveyor.
2. Site **plans** and detailed plans of any new infrastructure.
3. A **narrative** describing how their application meets or deserves a waiver from all the requirements listed in this section (a checklist can be found at the Peru Online Zoning Resources Page Item #12)

603. Subdivisions: Suitability of the Land:

The applicant must demonstrate that the land to be subdivided into developable lots is suitable for development without endangering public health or safety; and adversely impacting the environment, adjoining properties, or the character of the area.

1. Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided into developable lots unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.
2. Grading, excavating and/or filling of land to create developable lots must meet the standards of Sections 854-857.

604. Subdivisions: Protection of Natural Resources:

1. The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on natural resources identified by the Vermont Agency of Natural Resources or mentioned in the Peru Town Plan (Peru Online Zoning Resources page item #11) or any plans or studies the Town Plan incorporates by reference.
2. Existing site features that would add value to the subdivision or to the community as a whole, such as specimen trees, hedgerows, stone walls, surface waters, wetlands, undeveloped ridgelines, scenic views, historic resources, and similar irreplaceable assets must be preserved and incorporated into the design of the subdivision.

605. Subdivisions: Provision of Necessary Improvements:

An applicant for a major subdivision must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure. The applicant must demonstrate that the proposed subdivision will make proper provision for:

1. Stormwater drainage,
2. Potable water supply
3. Sewage disposal
4. Fire protection
5. Utilities
6. Emergency vehicle access
7. Any other necessary improvements within the development.

606. Subdivisions: The cost of Improvements:

The construction of necessary improvements, and all associated expenses, will be the responsibility of the applicant.

607. Subdivisions: Homeowners Associations:

The applicant must establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. Membership in the association or equivalent must be mandatory for all property owners benefiting from the common improvement(s). This requirement may be waived for a subdivision with no shared infrastructure.

608. Subdivisions: Homeowner Association Paperwork:

1. The applicant must provide the following for their Homeowner Association or equivalent:
    - drafts of covenants
    - articles of incorporation
    - bylaws
    - maintenance agreements
    - easements or other legal documents if the town is taking over any infrastructure.
2. The applicant must record such documents in the Peru Land Records along with the final plat.

609. Subdivisions: Lot Arrangement:

The applicant must design the subdivision:

1. To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
2. To connect to and extend existing roads to the maximum extent feasible given the site's topography and natural features.
3. To minimize the fragmentation of productive farmland and loss of primary agricultural soils that are suitably sized and located for productive use.
4. To minimize the fragmentation of priority forest blocks as identified in the Peru Town Plan (Peru Online Zoning Resources Page Item #11) or by the Vermont Agency of Natural Resources.
5. To minimize soil disturbance, compaction, and removal of topsoil.
6. So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of these regulations (this will not apply to lots intended for farming, forestry or conservation purposes).
7. So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for farming, forestry or conservation purposes).
8. To minimize the number of new curb cuts along town roads or state highways (subdivision does not convey a right for new lots to have direct access to the public road and provision of internal development roads or shared driveways may be required).
9. So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with Section 810.
10. To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
11. To retain access to land within or adjoining the subdivision intended for agricultural or

forestry use.

610. Subdivisions: Lot Dimensions:

The applicant must design the subdivision:

1. So that all lots front on a town or private road except that the Development Review Board may waive or modify this requirement to:
   - To respond to natural or built features on the site
   - To allow for shared driveways
   - On lots intended for farming, forestry or conservation purposes
2. To minimize the number of lots with frontage on more than one road.
3. So that lot dimensions meet the minimum standards for the zoning district.
4. So that lot lines form simple, regular geometric shapes, except that the Development Review Board may waive or modify this requirement to respond to natural or built features on the site or to allow for shared driveways.
5. So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features.

611. Subdivisions, Building Envelopes:

If a proposed lot within a subdivision will be more than 3 acres in size, then the applicant must designate at least one and not more than three building envelopes on that lot in accordance with the following:

1. Building envelopes must not include any unbuildable land including, but not limited to setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas, river corridors and steep slopes.
2. A building envelope intended for single-family residential development must not be more than 30,000 square feet in area.
3. All principal buildings and non-agricultural accessory structures with a footprint in excess of 200 square feet must be located within a designated building envelope.
4. Driveways, utilities, water, wastewater and stormwater infrastructure, fences, agricultural structures and accessory structures with a footprint of 200 square feet or less may be located outside a designated building envelope.
5. The Development Review Board may limit or place conditions on forest clearing on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, forest blocks or scenic resources.
6. The Development Review Board may require or place conditions on the maintenance of open fields or meadows on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, farmland or scenic resources.

612. Subdivisions, Waiver of Building Envelope Requirement:

The Development Review Board may waive the building envelope requirement if the applicant obtains an exemption from the state Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry or open space purposes without amending the approved subdivision plat to establish a building envelope.

613. Subdivisions, Design and Layout of Necessary Improvements:

Applicants must construct new or extended roads, utilities and other improvements in

accordance with any public works specifications or ordinances duly adopted by the Town of Peru (see Peru online Zoning Resources item #13). In the case of a conflict between a provision of these regulations and a provision of the public works specifications or ordinance, the public works specifications or ordinance will take precedence.

614. Subdivisions, Technical Review:

The ZA may forward a subdivision application to the town lawyer, an engineer, and the fire and rescue departments, as applicable, for review and comment upon receipt of a complete application. The ZBA may condition or deny any approval or permit based on those comments.

615. Subdivisions, Engineering Requirements:

1. The road commissioner or a professional engineer must certify that all new or extended roads and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of these regulations and any conditions of approval prior to the ZA issuing any zoning permits for further development within the subdivision.
2. When required as a condition of approval, the applicant must provide as-built drawings.

616. Subdivisions, Roads:

Applicants must design and construct all new or extended roads within a subdivision in accordance with this subsection.

617. Subdivisions, Applicability:

Any vehicular way that will be used to provide access to more than 2 lots or principal buildings will be considered a road and must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides access to not more than 2 lots or principal buildings is a driveway and must conform to the standards of Section 822)

618. Subdivisions, General Standards:

Applicants must design and construct all new or extended roads within a subdivision to:

1. Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).
2. Calm traffic and discourage travel speeds in excess of the posted speed limit.
3. Avoid congestion on existing roads.
4. Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles.
5. Logically extend and improve the connectivity of the town's existing road network.
6. Provide efficient access to property.
7. Minimize the amount of impervious surface necessary to provide convenient and safe access to property.
8. Be graded and laid out to conform as closely as possible to the preexisting topography.
9. Provide adequate drainage in accordance with Section 624 below.
10. Be located the maximum distance feasible from surface waters (at least 150 feet is preferred, and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of Section 806-808 as applicable.
11. Minimize the number of stream crossings.

619. Subdivisions, Roads, Design Speed:
Applicants must design new or extended roads for a speed of 25 miles per hour unless otherwise approved specified by the Development Review Board through subdivision/PUD review. If a higher design speed is allowed, the Development Review Board may modify other road design and construction standards accordingly as specified in the Vermont State Design Standards as most recently amended for the allowed design speed.

620. Subdivisions, Roads, Width:
Travel lanes serving residential development must be at least 7 and not more than 9 feet wide. Total road width must not exceed 20 feet unless specifically approved by the Development Review Board to accommodate on street parking, pedestrians or bicyclists, heavy trucks or a design volume in excess of 100 trips per day.

621. Subdivisions, Roads, Grade:
New or extended roads must generally conform to the topography and must not exceed a maximum grade of 12% as measured over any 100-foot section. The Development Review Board may allow segments to exceed the maximum grade to respond to the site's topography and natural features when recommended by the Road Foreman (Peru Online Zoning Resources page item #7) and Fire Chief (Peru Online Zoning Resources Page item #14).

622. Subdivisions, Roads, Cross-Slope:
All new or extended roads must have a cross-slope of at least 1% and not more than 3%.

623. Subdivisions, Roads, Intersections:
Applicants must design new or extended roads in accordance with the following unless otherwise approved established by the Development Review Board through subdivision/PUD review to respond to site-specific physical conditions or anticipated traffic flows:

1. To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees.
2. With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet).
3. With a sight distance of at least 275 feet.
4. With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road.
5. With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Development Review Board upon the recommendation of the Road Foreman (Peru. Online Zoning Resources Page item #7) or VTrans District Permit Coordinator (Peru. Online Zoning Resources Page item #8) may approve a curb radius of up to 40 feet for roads designed to accommodate significant truck traffic.

624. Subdivisions, Roads, Construction Standards:
Applicants must construct new or extended roads in accordance with the following standards:

1. Materials and Construction Practices. Road materials and construction practices must conform with Vermont Standard Specifications for Construction as most recently amended. The applicant's engineer must provide the town with copies of the specifications to demonstrate compliance.
2. Subsurface. Subbase, sand cushion and subgrade must be constructed in conformance with

the VTrans Standard A-76 for Development Roads as most recently amended.

625. Subdivisions, Roads, Drainage:

Applicants must design new or extended roads with drainage infrastructure and practices that:

1. Are in conformance with the VTrans Standard A-76 for Development Roads as most recently amended.
2. Capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices in accordance with Section 810 and the Vermont Stormwater Manual.
3. Do not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure as demonstrated by stormwater calculations provided by the applicant's engineer.
4. Have culverts and underdrains sized to convey anticipated peak stormwater flows and minimize erosion damage as demonstrated by stormwater calculations provided by the applicant's engineer.

626. Subdivisions, Roads, Names and Signs:

New roads must be named in accordance with state regulations and names must be approved by the Peru Select Board.

627. Subdivisions, Fire Protection and Emergency Services:

Where the Peru Fire Chief feels there is not an existing, adequate source of water for fire protection, the applicant must provide water through means such as dry hydrants, ponds and/or water tanks. The fire chief may also require that houses in remote subdivisions have alarm systems with notification and /or Knox Box key holders. The applicant must submit a letter from the Peru Fire Department as to the adequacy fire protection facilities and emergency access.

628. Subdivisions, Public and Private Utilities:

The applicant must design the subdivision to provide utility service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

1. Utilities must be located within road rights-of-way to the maximum extent feasible.
2. The applicant must provide the town with proof of a maintenance and access easement for any utilities not located within a public right-of-way.

629. Subdivisions, Potable Water and Wastewater:

The applicant must design the subdivision to provide water and wastewater service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry, or open space use).

630. Subdivisions, Erosion Control:

The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 805.

631. Subdivisions, Soil Preservation:

The applicant must:

1. Stockpile any topsoil removed during the course of construction on-site.
2. Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted.

3. Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments.
4. Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

632. Subdivisions, Debris Removal:

The applicant must remove any debris generated during the course of construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited.

633. Subdivisions, Stormwater Management:

The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with Section 806-8.

634. Subdivisions, Monuments and Lot Corner Markers:

The applicant must:

1. Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat.
2. Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules.
3. Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

635. Subdivisions, Construction and Maintenance of Necessary Improvements:

The applicant must:

1. Fully construct the necessary improvements in accordance with all conditions of approval under these regulations and the town's public works specifications before the ZA may issue any zoning permits for further development within the subdivision.
2. Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.
3. Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.

636. Subdivisions, Improvement Agreements:

The Development Review Board may waive the requirement for full completion of necessary improvements prior to further development commencing within the subdivision if the applicant enters into a subdivision improvement agreement with the Town of Peru Selectboard in accordance with the following:

1. The cost of preparing the subdivision improvement agreement, including legal review, will be borne by the applicant.
2. The subdivision improvement agreement will specify the period of time within which the applicant agrees to fully complete all necessary improvements.
3. The applicant will provide a surety for an amount sufficient to cover 125% of the cost of the approved construction and any other conditions contained in the subdivision improvement agreement. When 50% of the required improvements are complete, the developer may substitute a new guarantee equal to 125% of the cost of the remaining improvements for the original guarantee. The new guarantee need not be in the same form as the original guarantee, but it must not in any way change or modify the terms and conditions of the

agreement.

4. The subdivision improvement agreement will run with the land and must be recorded in the Town of Peru Land Records.

637. Subdivisions, If Improvements are Not Installed:

If improvements are not installed pursuant to the terms of the agreement, the Town of Peru may:

1. Declare the agreement to be in default and require the developer to fully complete all necessary improvements regardless of the extent of completion of the development.
2. Obtain funds pursuant to the surety and complete the necessary improvements itself or by contract through a third party.
3. Assign its right to receive funds pursuant to the surety in whole or part to any third party in exchange for that party's agreement to complete the required improvements.
4. Exercise any other rights available under the law.

638. Conservation PUD, Purpose:

The purpose of this section is to provide flexibility in site design for rural residential developments in order to protect natural resources and conserve open space.

639. Conservation PUD, Residential Density:

The applicant must calculate the maximum allowed residential density by:

1. Multiplying the total lot area (in square feet) of the subject parcel(s) by the maximum lot coverage percentage for the applicable district (if the PUD includes land in more than one zoning district, the maximum lot coverage calculation must be performed on the land in each district separately and the results totaled).
2. Dividing the maximum lot coverage result by 4,000 and rounding down to the nearest whole number. This is the maximum number of dwelling units that may be developed within the PUD.

640. Conservation PUD, Modification of District Standards:

Zoning district standards may be modified within a conservation PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a conservation subdivision.

641. Conservation PUD, Multiple Parcels:

A conservation PUD may include multiple parcels. The parcels must be under common ownership, but do not have to be contiguous or within the same zoning district.

642. Conservation PUD, Density Transfer:

Within a conservation PUD, density may be transferred within and/or between parcels provided that building rights are not transferred from a higher density zoning district to a lower-density zoning district.

643. Conservation PUD, Conservation Set Aside:

A minimum of 60% of the parcel(s) within a conservation PUD must be set aside as protected open space in accordance with the following:

1. The following will be considered primary conservation resources and must be included in the protected open space:
   - Wetlands
   - Mapped flood hazard areas
   - Steep slopes (20% or greater)
   - Riparian buffers (see Section 800-808).
2. The following will be considered secondary conservation resources and must be included in the protected open space to the maximum extent feasible:
   - Primary agricultural soils
   - Priority forest blocks.
3. Lands subject to pre-existing easements or rights-of-way that restrict development may be

incorporated into the set aside area but will not count towards meeting the 60% requirement.

4. Protected open space must abut existing public or conserved lands, parks, open space or farmland on adjacent parcels to the maximum extent feasible.

5. Open space must be permanently protected through a conservation easement that
   - Will be held by the town, state and/or a land trust or conservancy.
   - Prohibits further subdivision or development in the conservation areas; and
   - May establish other standards to safeguard or maintain the conservation resources.

6. Protected open space must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:

- Roads and above ground utilities serving the development may cross conservation areas provided that the Development Review Board finds that reasonable access cannot otherwise be provided to the portions of the site to be developed and that disturbance within the conservation area will be the minimum necessary to provide adequate access.
- Underground utilities serving the development may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area.
- Community gardens, trails and passive recreation amenities serving the development will be allowed within conservation areas.
- Green stormwater and renewable energy infrastructure serving the development will be allowed within conservation areas; and
- Farming and forestry, including construction of farm structures, will be allowed within conservation areas.

644. Conservation PUD, Development Areas:

A maximum of 40% of the parcel(s) within a conservation PUD may be developed for residential and community use in accordance with the following:

1. The development must be designed as one or more clusters composed of 3 to 18 lots or buildings separated by open space.

2. All lots or buildings must have direct pedestrian access to the open space area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails.

3. Access to the conservation PUD must be from a single curb cut unless otherwise approved by the Development Review Board in order to provide adequate emergency access or to minimize disturbance of conservation resources.

4. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads).

5. A conservation PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multipurpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

645. Neighborhood PUD, Purpose:

The purpose of this section is to provide flexibility in site design for compact residential development.

646. Neighborhood PUD, Applicability:

Neighborhood PUDs are allowed in the RR2, RR5, and Bromley Village districts.

647. Neighborhood PUD, Residential Density:

The applicant must calculate the maximum allowed residential density by:

1. Multiplying the total lot area of the subject parcel(s) by the maximum lot coverage percentage for the applicable district (if the PUD includes land in more than one zoning district, the maximum lot coverage calculation must be performed on the land in each district separately and the results totaled); and then
2. Dividing the maximum lot coverage result by 4,000 and rounding down to the nearest whole number. This is the maximum number of dwelling units that may be developed within the PUD unless the PUD qualifies for an affordable housing density bonus in accordance with section 650.

648. Neighborhood PUD, Modification of District Standards:

Zoning district standards may be modified within a neighborhood PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a neighborhood PUD.

649. Neighborhood PUD, Multiple Parcels:

A neighborhood PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

650. Density Bonus for Affordable Housing:

The Development Review Board may grant a density bonus in the to promote development of affordable housing as follows:

1. The applicant may propose to build units in excess of the maximum density allowed in the district provided that there is at least one affordable housing unit for each market rate unit constructed in excess of the maximum.
2. Affordable units must:
   - Be located throughout the proposed development in a manner that integrates them with market rate units.
   - Include a mixture of unit types in the same ratio as the market rate units within the development.
3. Affordability must be guaranteed through an Affordability Agreement prepared by the applicant and approved by the Town of Peru. The agreement must be filed in the Peru Land Records and will run with the land. At a minimum, the agreement must specify the:

   (a) Number of affordable units and a description of the location and unit type (bedrooms, floor area, etc.).

(b) Duration of the affordability, which must be not less than 20 years.
(c) Standards for setting qualifying household incomes and rents/sales prices.
(d) Method by which vacancies will be marketed and filled.
(e) Method by which the property owner will monitor the affordability of the units and the eligibility of the tenants/owners, and report that information to the Town of Peru to demonstrate ongoing compliance during the agreement period.

651. Neighborhood PUD, Design Standards:

A neighborhood PUD must be designed in accordance with the following:

1. A neighborhood PUD must be designed around a centrally located, landscaped greenspace with passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.
2. Buildings within a neighborhood PUD must be oriented to and have a primary entrance facing the street or common greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails.
3. Buildings with a footprint in excess of 3,000 square feet within a neighborhood PUD must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade.
4. Access to the neighborhood PUD must be from not more than two curb cuts otherwise approved by the Development Review Board to provide adequate emergency access or to minimize environmental impacts.
5. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways or alleys, narrow lanes, and locating development near existing roads). Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides on-street parking or common off-street parking areas/structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.
6. A neighborhood PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multipurpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

652. Multi Building Multi Use PUD, Purpose:

The purpose of this section is to provide flexibility in site design for multibuilding, multi-use developments like resorts, campuses, and business parks.

653. Multi Building Multi Use PUD:

Applicability. Multi-building, multi-use PUDs are allowed in the BR and BV Districts.

654. Multi Building Multi Use PUD:

Modification of District Standards. Zoning district standards may be modified within a multibuilding, multi-use PUD as follows:

(1) The development must meet all setback requirements of the zoning district around the perimeter of the development site.

(2) The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.

(3) The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.

655. Multi Building Multi Use PUD:

Multiple Parcels. A multi-use, multi-building PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

656. Multi Building Multi Use PUD:

Density Transfer. Within a multi-use, multi-building PUD, density may be transferred within and/or between parcels.

657. Multi Building Multi Use PUD:

Design Standards. A multi-use, multi-building PUD must be designed in accordance with the following:

(1) The PUD may include residential uses and/or buildings, but non-residential uses must occupy at least 30% of the total floor area within the development.

(2) Buildings within the PUD must:

- Be commonly owned and/or managed,
- Be located in proximity and related to one another,
- Be oriented with facades and primary entrances that face the street or common greenspace,
- Share common parking, facilities, amenities and/or infrastructure
- Be connected with pedestrian walkways.

(3) A mixed-use, multi-building PUD must include a landscaped greenspace that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. If the PUD will include residential uses, the greenspace must have passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.

(4) Buildings open within a mixed-use, multi-building PUD must be oriented to and have a primary entrance facing the street or greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails. The Development Review Board may waive or modify these requirements for non-residential

buildings not open to the public (such as manufacturing facilities or warehouses).

(5) Buildings with a footprint in excess of 3,000 square feet must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade. The Development Review Board may waive or modify these requirements for non-residential buildings not open to the public (such as manufacturing facilities or warehouses).

(6) Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and surface parking must be located around the perimeter of the development and to the rear or side of buildings to the maximum extent feasible. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.

(7) Existing parking lots within the PUD may be redeveloped with buildings or parking structures regardless of conformance with the lot coverage standards for the zoning district provided that there is no net increase in lot coverage.

(8) Access to the PUD must be from not more than two curb cuts otherwise approved by the Development Review Board to provide adequate emergency access, to maintain existing circulation patterns or to minimize environmental impacts

(9) The PUD may have an entrance sign not more than 40 square feet in area and 18 feet in height at the principal road entrance. Any secondary entrance may have a sign that is not more than 20 square feet in area and 12 feet in height. All other signage must be designed and located in accordance with the standards of Section 830-838 and so as to be primarily visible from within the PUD.

700. PROCEDURES FOR PUBLIC ZONING HEARINGS

701. Public Hearings:

The Zoning Board of Adjustment and/or the Planning Commission shall hold required public hearings within sixty (60) days of the filing of a complete notice of appeal or the submission of a complete application, as applicable. Public hearings shall be warned and conducted pursuant to Section 4464 of the Act by all the following:

702. Warning Public Hearings:

Before any public hearings the ZA must

1. Arrange for the publication in a newspaper of general circulation, of a notice stating the date, time, location, and purpose of the hearing, instructions on how to obtain more information on the application and notice that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
2. Post the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.
3. Provide written notification with the same information to the applicant by certified return receipt mail, and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way supported by a sworn certificate of service.
4. In any situation in which a variance is sought regarding setbacks from a state highway, also including written notification to the Secretary of Transportation.
5. The applicant may be required to bear the cost of the public warning and the cost of notification of adjoining landowners.

703. Timeline for Warning Hearings:

Notification for conditional use review, variances, waivers, appeals of Zoning Administrator decisions, and plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing. Notification for Site Plan review shall be given no less than 7 days before the hearing.,

704. Adequacy of Posting and Notice:

No defect in the form or substance of any requirements of this subsection shall invalidate the action of the appropriate municipal panel where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Division or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

705. Procedures for Public Hearings:

1. Hearings shall be **open to the public**.
2. Board members and members of the public may **attend remotely** if currently allowed by state law, but one member of the board or the ZA must be in attendance at the town offices.
3. The ZBA may **recess the hearing** for any application pending submission of additional information. If a date can be set to reopen the hearing before it is recessed, no additional warnings are required.
4. The panel should **close the hearing promptly** after all parties have submitted the requested information. The Development Review Board must deliberate and make a decision on an application in a closed deliberative session.
5. The panel shall **issue a decision** within 45 days after the adjournment of the hearing.
6. **Failure of the panel to issue a decision** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.

706. Decisions:

Decisions shall be issued in writing and must include a **statement of the facts** upon which the Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.

707. Conditions:

In rendering a decision in favor of the applicant, the panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect.

708. Conditions, Hiring Technical and Legal Experts:

The board may require that the applicant pay for the Administrative Officer or Planning Commission to hire qualified professionals to provide an independent technical and/or legal review of unusually large or complicated applications when deemed necessary to ensure compliance with these regulations.

709. Conditions, Performance Bonds:

1. The Administrative Officer or Planning Commission may require an applicant to provide a performance bond or similar surety in a form acceptable to the Selectboard as a condition of approval to ensure the completion of unusually large or complicated applications in accordance with approved plans, and the protection of any public facilities that may be affected by proposed development in accordance with applicable town or state specifications.
2. The Administrative Officer or Planning Commission may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote. The Town of Peru will only release a required bond or surety after certification by the applicant and

determination by the Administrative Officer that the proposed development has been satisfactorily completed.

710. Conditions, Monitoring and Inspection:

The Administrative Officer or Planning Commission may condition approval of unusually large or complicated applications upon monitoring and inspection during construction or once the use has commenced, when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

711. Conditions, As Built Drawings:

- The Administrative Officer or Planning Commission may require an applicant to file as-built drawings as a condition of approval of unusually large or complicated applications.
- The Town of Peru will require as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.
- The Administrative Officer may require an applicant to file as-built drawings when approved plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

712 Decisions by Boards, Distribution:

- Any decision shall be sent by certified mail within 45 days to the applicant and the appellant in matters on appeal.
- Copies of the decision shall also be emailed, or surface mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the ZA and the clerk of the municipality as a part of the public records of the municipality.

713. Effective date of zoning permit:

Zoning permits issued concurrently with a decision by the PC or ZBA shall not take effect until after a 30-day appeal period has passed pursuant to the Vt. Rules for Environmental Court Proceedings. If a notice of appeal or motion to reconsider is properly filed, the permit shall not take effect until the ZBA acts on the motion to reconsider or the environmental court rules in accordance with 10 V.S.A. Section 8504

714. Duration of a Permit:

1. Except for a permit for subdivision of land or a home occupation, a zoning permit shall expire three years 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 subdivision or boundary line adjustment of a parcel shall be

deemed finalized by the filing of a survey plat printed on mylar film to be endorsed by the ZA or an officer of the Planning Commission, then added to the Peru Land Records by the Town Clerk within 180 days of the issuance of the permit. Once finalized the subdivision permit shall not expire. The applicant may request in writing one 180-day extension of the mylar filing deadline. Once a properly approved mylar plat is filed, the subdivision does not expire.

3. A permit for a home occupation is granted for the duration of time that the operator occupies the dwelling. The permit shall expire upon the operator's relocation to a different dwelling and shall neither remain with any subsequent occupant of the dwelling nor transfer to a new location with the operator.

715. Revoking Permits or Approvals:

The Administrative Officer may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant:
(1) Omitted or misrepresented a material fact on an application or at a hearing
(2) Violates the terms of the permit and any associated development approvals.

716. Certificates of Occupancy:

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 Zoning Compliance is issued by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of the zoning regulations.

717. Motions to Reconsider:

An interested person, as defined in 24 V.S.A. Section 4465 may file a Motion to Reconsider with the Zoning Administrator within 30 days of a ZBA decision or act.

- A motion to reconsider must clearly establish either a manifest error of law or fact in the decision or must present previously unavailable evidence.
- The filing of a Motion stays the appeal period until a decision is made to deny the Motion or until a new decision is issued following a reopening and closing of the hearings and that a new appeal period starts upon the date of the denial of the Motion or issuance of a decision.
- The motion shall be put on the agenda for a meeting.
- A majority of the Board must vote to grant the Motion and re-open the evidence.
- If the Motion is granted, then a new hearing will be warned to hear evidence in regard to the matters raised and any other evidence offered in regard to the application and a decision will be issued in the normal course (which decision could be as previously issued without change or with revisions)
- A party is entitled to only one Motion to Reconsider per decision or act by a board.

718. Appeals to the Environmental Court

1. An interested person (as defined in 24 VSA chapter 117 and section 420) who has participated in an appeal to the Zoning Board of Adjustment may also appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision (see the Peru Online Zoning Resources Page item #15).
2. The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail.
3. The Administrative Officer must provide a prospective appellant with the interested person list upon request.
4. If the Administrative Officer has issued a zoning permit based on a PC/ZBA approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.
5. If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, that action or decision will be final and cannot be contested at a later time.

719. Violations and Enforcement:

- Violations of this bylaw shall be prosecuted in accordance with 24 V.S.A. Sections 4451, 4452 and 4454. 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 to 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.

800. GENERAL REGULATIONS:

801. Cannabis:

Unless otherwise specified in a duly adopted town ordinance, the Town of Peru will treat any establishment that obtains a state license for the cultivation, manufacture, or testing of cannabis as follows under these regulations:

1. Commercial grow operations will be considered a light industrial use unless the state's definition of farming is revised to include cannabis cultivation.
2. Cannabis product manufacturing will be considered a light industrial use, or for edible products, a food and beverage manufacturing use.
3. All other licensed cannabis-related uses will be treated as the most equivalent non-cannabis use under these regulations.

802. Temporary Uses and Structures:

1. Permits for temporary structures may be issued by the Zoning Administrator for a period not exceeding one year for any structure, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Temporary structures do not have to meet district setbacks, but the Zoning Administrator may require visual screening.
2. Permits for temporary structures may be renewed upon application for an additional period not exceeding one year.
3. A portable structure that is left in one place for more than two years will be treated like a permanent structure requiring a zoning permit unless otherwise exempted in section 802.4.
4. Temporary structures associated with hobbies and recreation such as above ground swimming pools, skateboard half pipes, tents, and small greenhouses under 400 square feet do not require a zoning permit, but must meet district setbacks.
5. Temporary structures associated with construction projects (dumpsters, storage containers, temporary offices or living quarters) may remain in place as long as construction continues. Temporary living quarters must meet State Septic rules.

803. Temporary Events:

1. Temporary events (such as a single wedding, church suppers, fairs, cultural events, trade, and antique shows that are not for profit do not require a zoning permit, provided:
   - That they last fewer than two consecutive days
   - Occur no more than two times in a calendar year
   - Are not the principal use of land or buildings
   - That they have adequate off-street parking and circulation, sanitary and trash collection facilities are provided (an assembly permit from the town and state permits may be required).
2. A temporary event shall not be located within a public right-of-way unless

approved by the select board.

804. Public Utility Substations:

Public utility substations and similar utility structures, where permitted, shall be visually screened and set back from the property lines in conformance with the zoning district regulations for front, side and rear yards.

805. Erosion Prevention and Sediment Control:

1. All construction or demolition activities that will disturb soil must at a minimum be undertaken in accordance with the Vermont Agency of Natural Resource's Low Risk Site Handbook for Erosion Prevention and Sediment Control, as most recently amended. (See Peru Online Resources Page item #16)
2. Applicants who are proposing construction or demolition activities that will disturb more than 10,000 square feet of soil must submit and implement a professionally prepared erosion control plan in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, as most recently amended (see Peru Online Zoning Resource Page item #17).
3. Development that obtains a state construction general or individual permit will be deemed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the ZA prior to the start of construction.

806. Riparian Buffers:

1. The provisions of this section apply to all land within 50 feet of a stream as measured from the top of the bank. Where this land is also within the Flood Hazard, the provisions of Section 900 will take precedence over the provisions of this section. A map of streams and flood zones can be found on the Peru Online Zoning Resources page, item #2.

2. Development is prohibited, and woody vegetation must be maintained or established within riparian buffers except that:

- Public outdoor recreation uses and trails will be allowed to the extent allowed in the applicable zoning district.
- A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the riparian buffer.
- On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer being maintained as lawns or gardens.
- A landowner may clear and use up to 1,000 square feet within the riparian buffer for private water access, outdoor recreation, outdoor seating, or a view corridor. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.
- A landowner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices.

- Any development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with Subsection 808. The property owner must provide the ZA with a copy of the state permit prior to the start of construction.

807. Riparian Buffers, Nonconforming Sites:

Pre-existing development within riparian buffers will be regulated in accordance with the following:

1. The pre-existing development within the buffer may continue.
2. A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the buffer.
3. Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the riparian buffer.
4. Conditional use approval in accordance with Subsection 808 will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the riparian buffer.

808. Riparian Buffers, Conditional Use Criteria:

In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for land development within a riparian buffer must demonstrate that:

1. The proposed land development cannot reasonably be accommodated on any portion of the parcel outside the riparian buffer.
2. The footprint of the proposed land development within the riparian buffer is the minimum necessary to accommodate the proposed use or structure.
3. The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the surface water, drainage, erosion, sedimentation and downstream flooding.
4. There will be (listed in order of preference):
   (a) No net increase in impervious surface within the riparian buffer.
   (b) A de minimus increase in the amount of impervious surface within the riparian buffer.
   (c) Mitigation for any additional impervious surface within the riparian buffer. Preferred mitigation is re-vegetation of an area adjacent to the riparian buffer equivalent or greater in size than the area to be impacted by proposed development.
5. The PC may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

809. Ponds:

A landowner must obtain a zoning permit to construct or expand a pond, or to do maintenance on a pond in a wetland, stream setback or flood zone.

1. Construction or maintenance of a pond within wetlands and any required buffers to surface waters or flood zones is prohibited unless the applicant demonstrates that they have obtained all required state permits.
2. Ponds are prohibited within boundary setbacks.
3. Stormwater overflow must not be discharged from a pond in a manner that would adversely impact downslope properties, public rights-of-way or surface waters.
4. Landowners must manage and maintain ponds so as to not create a nuisance or hazard.
5. Ponds capable of holding more than 500,000 cubic feet of water require a state permit.

6 Landowners building ponds must follow the erosion control rules in section 805.

810. Stormwater Management:

All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.

1. Development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater runoff will be routed through one or more appropriate green stormwater management best management practices (BMPs)
2. Applicants proposing development that will increase the amount of impervious surface on a lot by more than 10,000 square feet must submit and implement a stormwater management plan prepared by a professional engineer in accordance with the Vermont Stormwater Management Manual Best Management Practices.
3. Applicants that will increase the amount of impervious surface on a lot by ½ acre (21,780 square feet) or more must obtain a construction general permit from the Vt ANR.
4. Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the ZA prior to the start of construction.

811. Wetlands, General:

The provisions of this section apply to all Class I and II Mapped Wetlands, and to land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands. Mapped wetlands will be interpreted as those shown on the most recent Vermont Significant Wetlands Inventory (see Peru Online Zoning Resources Page item #3) or as determined through a field delineation by a qualified wetland scientist.

Development is prohibited and natural vegetation must be maintained or established

within wetlands and wetland buffers except that the following may be allowed as a conditional uses:

1. Public outdoor recreation and public trails will be allowed to the extent allowed in the applicable zoning district.

2. A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the wetland or wetland buffer.
3. A landowner may use the vegetation within the wetland buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the resource protection functions of naturally vegetated riparian buffers.
4. Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within a wetland or wetland buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with

812. Wetlands, Nonconforming Sites:

Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:

1. The pre-existing development within the wetland or wetland buffer may continue.
2. A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the wetland or wetland buffer.
3. Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the wetland or wetland buffer.
4. Conditional use approval will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the wetland or wetland buffer.

813. Wetlands, Conditional Use Criteria:

In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:

1. The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer.
2. The footprint of the proposed land development within the wetland or wetland buffer is the minimum necessary to accommodate the proposed use or structure.
3. The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the wetland and wetland buffer.
4. There will be (listed in order of preference):
    - No net increase in impervious surface within the wetland or wetland buffer.

- A de minimus increase in the amount of impervious surface within the wetland or wetland buffer.
- Mitigation for any additional impervious surface within the wetland or wetland buffer.
- Preferred mitigation is creation of a wetland area contiguous with the subject wetland that is equivalent or greater in size than the area to be impacted by proposed development. The Development Review Board may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

- The applicant has contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required and, if required, has obtained or intends to obtain a state permit. If a state permit is required but has not been obtained, the Development Review Board must condition any approval on the applicant providing a copy of the state permit prior to the ZA issuing a zoning permit for the proposed development.

814. Waste and Material Storage:

For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry, storage of waste or materials in a manner that is visually unattractive, that attracts insects, rodents, bears, or otherwise creates a nuisance or health hazard is prohibited. Site Plans must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must visually screen such facilities in accordance with Subsection 861.

815. Outdoor Seating:

Any outdoor seating at establishment serving food or alcohol is subject to wastewater permitting by the ANR, must meet setbacks from boundaries, and must be shown on any site plan submitted with zoning permit applications.

816. Accessory Dwellings, Definition:

An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, that is clearly subordinate to the single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation,

817. Accessory Dwellings, Criteria for approval:

1. The applicant must provide a state septic permit number or waiver from the ANR.
2. The total conditioned living space, (excluding porches, unfinished attics and sheds may not exceed 40 percent of the total conditioned living space of the single-family dwelling or 1,000 square feet, whichever is less.
3. Applicable setback, coverage, and parking requirements must be met.
4. The accessory dwelling must share highway access with the principal dwelling.

818. Protection of Agricultural and Silvicultural Practices:

1. Pursuant to 24 V.S.A.§ 4413, accepted agricultural practices and accepted silvicultural practices are exempt from obtaining municipal land use permits, as are farm structures, excluding dwellings, on a property that meets the State's definition of a Small Farm Operation (see Peru online Zoning Resources Page item #18)
2. Persons intending to erect a farm structure must notify the Zoning Administrator using the Peru universal zoning permit application and must abide by setbacks of the district unless a waiver is approved by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure done on a copy of a survey or a satellite photo showing the property boundary. Additionally, all farm structures within Flood Hazard Areas must comply with the Flood Hazard Area requirements of these zoning regulations.
3. A zoning permit will be required before an exempt agricultural structure is converted to another purpose other than storage.
4. Small farming operations may have an On Farm Accessory Business that meets the requirements of Vt. Act 14. And consists of:
   - The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are produced on the farm at which the business is located.
   - Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. This may include "farm stays" by overnight guests participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both.

819. Highway Access Regulations, Purpose:

For the safety of its citizens, fire fighters and ambulance service personnel, Peru requires that all residences be accessible to emergency service vehicles.

820. Highway Access Regulations, General:

No land use except agriculture, forestry and recreational uses may be permitted on lots that do not have:

1. Frontage on a maintained public road (Class 1, 2, or 3)
2. Frontage on a maintained private road
3. A deeded right of way easement over someone else's land which is suitable for access by motor vehicles and is approved by the PC.
4. With the approval of the selectboard and the PC a landowner may develop a lot accessed by an upgraded class 4 road or town trail if the ROW is wide enough.
5. Private roads and driveways which start in another town, that are used to access lots in Peru, must meet Peru highway access standards.
6. In some rare cases development may be accessed from public waters after approval

by the PC/ZBA.

821. Highway Access Regulations, Easements

1. Access easements for 1 or 2 lots must be a minimum of 35 feet wide, easements for 3 or more lots must be a minimum of 50 feet wide.
2. No two access easements shall have their highway access points closer together than the minimum frontage for the zoning district.
3. Easements over National Forest Land may be subject to different rules.

822. Highway Access, For One or two principal Residences:

1. All new and modified driveways will require a Highway Access permit from the Peru Road Commissioner or the Vermont Agency of Transportation as applicable.
2. Driveways shall be accessible by emergency service vehicles and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads.
3. A new driveway serving two or fewer dwellings which is over 500 feet in length, over 10% in grade, or in a new subdivision must meet Vt. State driveway standard B-71, as most recently amended.
4. Accesses for recreational, agricultural, or forestry uses, or for primitive camps require a highway access permit but are not required to meet other driveway standards.
5. Existing Driveways over 10% in grade, or over 500 feet in length will have to be upgraded to Vt driveway standard B-71 if a second principal dwelling is added, unless the applicant can demonstrate a warned hearing before the ZBA, that:
   - That access for emergency vehicles will be adequate.
   - Prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the owner of the noncomplying
6. Driveways will need to be brought up to current town and state road standards if any additional houses are added (a third house, fourth house am so on).

823. Highway Access, Driveway Setbacks:

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

- Lots of 2 acres or less — 10 feet
- Lots of over 2 acres — 25 feet

824. Highway Access, For Three or More Principal Dwellings:

1. Any vehicular way that will be used to provide access to more than 2 lots or principal buildings will be considered a road and must meet state road design standards as most recently amended (see Peru Online Zoning Resources Page item #13) irrespective of whether the road will be public or private.
2. Any new or modified Private Road requires a Highway Access permit from the Peru Road Commissioner or the Vermont Agency of Transportation as appropriate.

3. Private roads must have names which have been approved by the selectboard and which meet State standards.
4. Lots in Peru that are accessed from roads originating in other towns must still meet Peru access requirements even if the other towns access requirements are more lenient.
5. Existing private roads will have to be upgraded to current town and state road standards when a new principal dwelling is added, unless the applicant can demonstrate a warned hearing before the ZBA, that:
   - That access for emergency vehicles will be adequate.
   - Prevention of the extension, expansion or reconstruction would result in exceptional and unnecessary hardship on the property owners on such a road.
6. Any landowner who has frontage on a private road who is planning to use that private road for access for a new principal dwelling should consider entering into a private road maintenance agreement with their neighbors. When there is no such agreement any resident on such a road has the right under state law to bring a civil action to force a person who benefits from a private road to contribute to the cost of maintaining the private road.

825. Highway Access, Bridges and Culverts on Driveways and Private Roads:

1. Bridges that are used as access for dwellings and the grade leading to and from such bridges must be designed by an architect or engineer to be suitable for use by fire trucks and must be approved by the Peru Fire Chief.
2. The installation of new bridges and culverts which carry running water under driveways and private roads may need to be approved by the local A.N.R. River Management engineer (see Peru Online Zoning Resources Page item #19). Such approval is not required of a culvert in a dry roadside ditch.

826. Home Occupation, General:

1. A home occupation will be considered an accessory use of residential property and will not require site plan approval.
2. Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling, or ownership of a home occupation that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home occupation to another allowed use in conformance with all applicable provisions of these regulations.

827. Home Occupation, Approval Criteria:

A Home Occupation must:

1. Be operated by a resident of the associated dwelling
2. Not generate regular traffic in excess of 10 vehicle trips per day
3. Meet the performance standards of Section 514
4. Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday
5. Not be primarily retail in nature, except that retail sales of goods manufactured on the premises, ancillary sales of products directly related to the provision of a personal service (e.g. sales of hair care products by a hair stylist) and internet / mail-order businesses that do not generate customer traffic will be allowed.

6. Not occupy more than 40% of the habitable floor area of the dwelling and/or more than 1,500 square feet in one or more accessory buildings
7. Not employ more than 2 people who do not live in the associated dwelling and who work on-site.
8. Provide employee and/or customer parking when necessary (in addition to the parking required for the dwelling unit) as follows:
   - If there will not be regular customer traffic, 1 parking space for each nonresident employee; or
   - If there will be regular customer traffic, the number of spaces required under Subsection 845-848 based on the floor area devoted to the home occupation; and
9. Not have any outdoor storage or use areas, including product display, outside an enclosed structure.

828. Home Business:

1. A home business may have signage as allowed in Section 834.
2. A home business will require site plan approval.
3. Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home business that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home business to another allowed use in conformance with all applicable provisions of these regulations.

829. Home Business, Approval Criteria:

A home business must:

1. Be operated by a resident of the associated dwelling
2. Not have an adverse effect on the character of the area
3. Meet the performance standards of Section 514
4. Conform to all applicable state health and safety codes
5. Operate only between the hours of 7 a.m. to 7 p.m. unless otherwise established as a condition of approval
6. Not occupy more than 40% of the habitable floor area of the dwelling, but may occupy any amount of space in one or more accessory buildings
7. Not employ more than 6 people who work on-site (including those residing in the associated dwelling)
8. Provide parking in accordance with Section 845-848
9. Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these regulations and any conditions of approval.

830. Signs, 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.

831. Signs, Prohibited Signs:

are signs which:

- Advertise an activity, business, product or service not located on the premises on

which the sign is placed.

- Project into or over the public right-of-way.
- Have blinking, flashing, or contain moving parts.
- 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.
- Signs placed on any public property or in any public right-of-way, except for public signs or notices erected or required by a government entity, and signs that are exempt from state regulation under 10 V.S.A § 494.
- Abandoned commercial signs.
- Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights.
- Signs that use obscene, lewd, vulgar or indecent words or images not suitable for a general audience.
- Signs more than 16 feet in height or, if building mounted, above the building's roofline.
- Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

832. Signs, Exempt:

are signs which:

- 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 public health and safety.
- Signs of an area not exceeding two square feet, provided such signs are on the premises of the activity served by the sign.
- Signs that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).
- Historic markers approved under Vermont's State Historic Site Marker program. Permanent plaques, cornerstones, nameplates and other building identification markings that are integral parts of the structure.
- Not more than one "open" flag or window sign per establishment
- Not more than one unlit sign per lot advertising the sale or lease of real estate.

833. Signs, Temporary:

A temporary sign may be displayed without a permit provided that it does not exceed eight (20) square feet. and is not displayed more than sixty (60) days of a calendar year, cumulatively.

834. Signs Permitted in RR 2, RR 5 & BV and PVHD, AND FR Districts:

Two signs not exceeding six (6) square feet in area.

835. Signs Permitted in Bromley District:

One sign not exceeding twenty (20) square feet, and not exceeding six (6) square feet in area for each separate business.

836. Sign setback:

In all districts, free standing signs shall be set back a minimum of ten (10) feet from any property line, and 35 feet from the middle of town roads. Applicants wishing to put a sign on Route 11 should consult with the Vt. Dept of Transportation and the Z.A.

837. Sign Height:

In all districts, 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 waiver from the Zoning Board of Adjustment.

838. Sign Lighting:

Any sign lighting shall be fully shielded and down-casting, 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.

839. 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 Selectboard of the Town of Peru, and only after conditional use and site plan approval.

840. Mobile homes and trailers:

It shall be unlawful for any person to park a manufactured home, mobile home, tiny home, shipping container, recreational vehicle, or camper on any public or private property except in accordance with regulations the same as those applying to any other types of structures, with these exceptions:

1. The owner of a trailer may park it on their own property, provided that the trailer is parked so as to meet the setback requirements for any structure on the same lot. A trailer so parked shall not be used as living quarters except temporarily. A trailer may not be used for long term storage without a zoning permit.
2. A trailer used as permanent living quarters in excess of 14 days shall be subject to residential restrictions and require zoning and septic permits.

841. Unlanded mobile home, tiny home parks and trailer camp campgrounds:

1. No person or persons shall construct or operate a mobile home park or trailer camp without first obtaining Site Development Plan approval from the Planning Commission and a permit from the Town Selectboard. Before such a permit may be issued, there must be a favorable recommendation by a majority of the Development Review Board. Before issuing a permit, the Selectboard shall require a performance bond from the operator of the camp to assure that the camp is maintained in a satisfactory manner.
2. Application for a mobile home park or trailer camp permit shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings prepared by a professional engineer, showing the property lines and area of the camp, a contour map, a layout of the roads, walk-ways, trailer lots, parking areas, garbage collection stations, electrical distribution, water lines, sanitary sewer facilities, storm sewer drainage facilities, and all other requirements for submission of a complete application for Site Development Plan review.
3. The Planning Commission may accept the proposed plans, accept them with recommended changes, or reject them.

842. Primitive Camps:

1. A primitive camp is defined as a building without a septic system which may or may not have driveway access on a public highway. It shall be for recreational use and shall be occupied for no more than 60 days in any calendar year and occupied for no more than 3 consecutive weeks.
2. A primitive camp is allowed on an undeveloped lot or a lot that contains only one single family residence provided:
   - The only plumbing within the camp is limited to one sink
   - There will be no toilet that requires water for flushing
   - The only soil-based wastewater system consists of a subsurface system for the disposal of the sink water.

843. Landfill:

In any district, dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, and soil may be used for landfill.

844. Berms:

1. Berms located within setbacks, constructed in conjunction with a fence or wall, or used to meet the landscaping or screening requirements of these regulations must be designed as follows:
2. A berm must have a curvilinear, naturalistic shape with sloped sides and a flat or slightly rounded top.
3. The sides of a berm must not exceed a 2:1 slope (horizontal-to-vertical).
4. The top of a berm must have a minimum width that is at least ½ the height of the berm.
5. A berm must be stabilized with groundcover or other vegetation to prevent erosion

and sedimentation.

845. Parking Regulations, General:

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 unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:

1. **One- or Two-Family Homes**:
- spaces per detached single-family dwelling, or two-family dwelling
- space per accessory dwelling.
2. **All other dwellings**:
- per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).
3. **Lodging Uses**:
- spaces per guest room.
4. **Commercial Uses**:
- space per 500 square feet of gross floor area (does not include outdoor use areas).
5. **Industrial Uses**:
- 1 space per 1,000 square feet of gross floor area (does not include outdoor use areas).
6. **Arts, Entertainment, Recreation, Civic and Community Uses**:
- space per 5 seats or 1 space per 500 square feet of gross floor area if no seats (does not include outdoor use areas).
7. **All Other Uses**:
- The Administrative Officer will establish the minimum number of spaces for any use that does not fit into a category above based on consideration of parking demand and requirements for the proposed use or a functionally similar use in Peru or elsewhere in Vermont.

846. Parking Regulations, Exceptions:

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.

847. Parking Regulations, Accessibility:

Development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking. requirements.

848. Parking Regulations, Electric Vehicle Charging:

1. Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
2. The PC may place conditions on electrical vehicle charging stations that are open to the public to keep them from harming the character of the area where they are located.

849. Off-Street Loading Space Requirements:

1. For every building hereafter erected, altered, extended, or changed in use for the purpose of business, trade or industry there shall be provided off-street space for loading and unloading of vehicles as required by the Planning Commission.
2. The minimum requirement shall be one loading space, 12 feet X 40 feet and 14 feet high for any business receiving or dispatching shipments.
3. Businesses which receive bus traffic must demonstrate loading and parking areas for buses.

850. Septic Regulations:

1. The addition of any new dwellings, bedrooms in existing dwellings, or any other increase in the septic design flow of a structure requires a state wastewater permit.
2. Attaching a new structure to an existing septic system requires a state septic permit.
3. All subdivisions of land and some boundary line adjustments require a state wastewater permit, exemption or deferral.
4. The District Community Assistance specialist at the Vt. Agency of Natural Resources is a helpful resource for information on state permits (see the Online Zoning Permit Resources page on PeruVt.org item #9)

851. Boundary Line Adjustments:

Landowners who desire to make a simple Boundary Line Adjustment or to merge two lots may seek approval from the Zoning Administrator provided that:

1. All changes are between adjacent landowners and do not create any new lots.
2. The changes will not adversely impact access to any parcel.
3. The changes will not result in the creation of a non-conforming lot, structure or use or increase the non-conformity of pre-existing lots.

4. The changes do not violate any condition imposed as part of an existing permit.
5. A state wastewater permit or deferral number, or Boundary Line Adjustment Exemption Form is provided.

852. Boundary Line adjustments, After Approval:

After approval by the Zoning Administrator, the applicant has 180 days to file a mylar copy of the survey plan and deeds for the transfer of ownership or an appropriate boundary line adjustment agreement. If the applicant cannot provide the survey or the deeds in that time period, they can ask for a single 180-day extension of the deadline.

853 Dangerous and Dilapidated Structures:

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 Pem, 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 secu1ity 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.

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.

854. Steep Slopes and Ridgetops, General:

Wooded hillsides and ridgetops are especially vulnerable to the visual and environmental impacts of land development. This is especially true where new structures are built on ridgetops or steep hillsides which have been cleared of natural vegetation and therefore lack adequate downslope screening. Moreover, ridgelines seen against the sky are especially sensitive to land development which interrupts the natural horizon.

855. Steep Slopes and Ridgetops, Definitions:

When an application involves development on steep slopes or ridgetops, the zoning administrator may refer such application to the PC for steep slope review. For the purposes of these regulations, steep slopes will be defined as a slope of 20% or greater. The Zoning administrator will provide anyone who asks a slope angle map of any parcel in Peru. (see the Peru Online Zoning Resources Page item #20 for contact information).

856. Steep Slopes and Ridgetops, Approval:

The PC may require any development on a lot with steep slopes to:

1. Be sited so as to minimize the environmental impact on steep areas, and the visual impact on valley floors.
2. Be designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts.
3. Be designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles.

857. Steep Slopes and Ridgetops, Conditions:

The PC may make place the conditions on the permit at the time of approval such as:

1. A limit on the amount of land that is cleared.
2. A requirement that any development be blended into the existing natural landscape through screening, and the appropriate location of structures so as to minimize its visual impact from public roads.
3. A requirement to utilize existing and new vegetation and to maintain mature forest cover as screens or buffers for development.
4. A requirement that structures must be placed off of ridgelines (e.g., downgrade or beyond ridgelines) so that no development shall break the skyline when viewed from public roads or lands at any time of the year.
5. A requirement that tree removal activities shall not cause undue alteration of the natural existing vegetation patterns of the ridgeline.
6. A requirement to provide a professionally prepared environmental impact assessment, erosion control plan, stormwater management plan, and/or engineered site plan.
7. A requirement that any exterior light fixtures be downward facing and shielded

858. Landscaping, Purpose:

The Planning Commission, under site plan review and planned unit development authority, and the Zoning Board of Adjustment under conditional use approval authority, are responsible for assessing the adequacy of landscaping involved with site development. Properly planned and installed landscaping can reduce the potential for conflicts between different adjoining land uses; maintain and enhance scenic values; can help to reduce noise and glare; and can provide privacy and separation.

859. Landscaping, Applicability: Where required by these Bylaws, landscaping:

1. Shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas, natural wooded areas, or ground covers.
2. Shall, to the extent practicable, be of native plant species indigenous to the region.
3. Shall consist of plantings of a type and size which serve to adequately buffer or screen uses, where needed, to serve the purposes of Section 858 above.
4. Shall be installed within one year of substantial completion of site construction activity, or as otherwise designated by the Planning Commission or Zoning Board of Adjustment.
5. Shall be cared for in a manner which ensures that plantings continue to fulfill their intended purpose over time; dead and dying plants shall be replaced during the next growing season.
6. Shall retain existing large specimen trees.

860. Landscaping, Standards:

Compliance with the following standard shall be considered to be the minimum landscaping necessary. Additional landscaping may be required to fulfill the intent of Section 858 above. Where any non-residential land use abuts a residential land use, a strip of land at least fifty (50) feet in width shall be maintained as a landscaped area or natural wooded area in the front yard, side yards, and rear yard unless waived by the Planning Commission or Zoning Board of Adjustment

861. Landscaping Screening of Service Areas and Solar arrays over 30kw:

Solar arrays over 30 kw, open storage areas, exposed machinery, trailers, dump trucks, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include but are not limited to opaque wood fences and dense evergreen hedges of five (5) feet or more in height. The DRB may waive screening requirements where existing vegetation or terrain provides screening, or some other kind landscaping would be more attractive or practical.

862 Certificates of Zoning Compliance:

Before occupying a new structure, or an addition to a structure, an applicant must contact the zoning administrator and request a certificate of zoning compliance. The ZA will consider access permits, dimensional standards, the display of 911 address, and the status of wastewater permits in granting certificates of zoning compliance.

900. FLOOD REGULATIONS

901. Purpose.

The Flood Hazard Overlay District is intended to:

(1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding.

(2) Ensure that the selection, design, creation, and use of development in this district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding.

(3) Manage special flood hazard areas in accordance with state and federal law.

(4) Make the Town of Peru, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

(5) Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district.

(6) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.

(7) Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.

(8) Protect infill and redevelopment from inundation hazards; and

(9) Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

902. Precedence.

The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply.

903. Warning.

The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

904. District Boundaries.

The provisions of this section apply to all flood hazard areas identified on the most current flood insurance studies and maps published by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe (commonly referred to as

the 100-year floodplain). Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued after April 1, 1991, may not be used to remove lands from the jurisdiction of this section.

905. Applicability.

A landowner must obtain a zoning permit for all development (as defined in Paragraph 927.6) located within this overlay district that is not exempted in Subsection 908. The Administrative Officer must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

906. Application Requirements.

In addition to all other requirements of these regulations, an application for development within this overlay district must include:

(1) A Project Review Sheet completed by a Vermont Agency of Natural Resources Permit Specialist.

(2) Base flood elevation (BFE) for:

(a) Replacement, substantially improved or substantially damaged structures.

(b) Projects requiring elevation or dry-floodproofing above BFE; and

(c) Additions to existing historic structures.

(3) Floodway data with electronic input/output files and mapping showing cross-section locations certified by a registered professional engineer for evelopment within the floodway that includes:

(a) Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway; and

(b) A floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more. than 1 foot at any point within the Town of Peru if FEMA has provided BFE data but not designated floodway areas.

(4) A No Adverse Impact (NAI) volumetric analysis and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under Paragraph 913.

907. Referrals.

The Administrative Officer must send a copy of all complete applications for development within this overlay district to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. The Administrative

Officer must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

908. Exempt Development.

The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

(1) Agricultural and silvicultural practices exempted under Section 107.1 & 107.2.

(2) Normal maintenance and repair of existing development.

(3) Demolition of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until funds are granted).

(4) Improvements to existing buildings (interior or exterior) that cost less than $500.

(5) Subdivision of land.

(6) Public water access and recreational trails that do not require active management or alteration of the river or stream.

(7) Planting projects to restore natural and beneficial floodplain functions that do not involve grading or construction of structures.

(8) Development subject to a Stream Alteration Permit from the Vermont Agency of Natural Resources.

(9) Development subject to a Certificate of Public Good from the Vermont Public Utilities Commission.

(10) State owned and operated facilities or institutions.

909. Prohibited Development.

The following development is prohibited within this overlay district:

(1) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage.

(2) Outdoor storage of goods, materials, equipment or vehicles.

(3) New critical facilities.

(4) New encroachments outside the Village Business and Mixed-Use districts, except for:

(a) Changes to existing structures where the footprint is proposed to expand less than 500 square feet within this district.

(b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and

(c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.

(5) Expansion of existing structures within the floodway where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet.
(6) Any development within Zones AE and A1-A30 where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

910. Pre-Existing Structures.

Within this overlay district, a landowner may only:
(1) Reconstruct a substantially damaged or destroyed structure in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section; or
(2) Re-occupy a structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

911. Allowed Uses.

Except as prohibited in Subsection 913, the uses allowed in the underlying district are allowed to the same extent within this overlay district provided that the applicant demonstrates compliance with Subsection 913.2 or Subsection 913.3 as applicable.

912. Floodway Standards.

Within the floodway:
(1) New encroachments are prohibited except for the following, which must meet the requirements of Paragraph (2) below:
(a) Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet.
(b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and
(c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.
(2) For new encroachments or development allowed under Paragraph (1) above that will result in a change of grade, applicants must provide either a:
(a) FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or
(b) Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the

proposed development will:

- Not result in any increase in flood levels during the occurrence of the base
- flood.
- Not increase base flood velocities; and
- Not increase any risk to surrounding properties, facilities, or structures
- from erosion or flooding.

(3) The applicant must demonstrate that any new encroachments or development allowed under Paragraph (1) above have been designed in accordance with the standards of Subsection 913. but not including the requirement for compensatory flood storage.

913. Flood Fringe Standards, Compensatory Flood Storage:

Compensatory Flood Storage. Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in Paragraph (3) below:

1. Applicants must provide either:

(I) Volumetric analyses and supporting data prepared and certified by a qualified engineer; or

(ii) A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.

2. Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.

3. Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Administrative Officer or Development Review Board may waive the compensatory flood storage requirement for:

(I) Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property.

(ii) Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.

(iii) A replacement structure provided there is no increase in the structure's footprint, or an open foundation design is used; and

(iv) Roads, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

914. Flood Fringe Standards, General Standards.

Applicants must demonstrate that the proposed development will be:

(a) Reasonably safe from flooding.

(b) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
(c) Constructed with materials resistant to flood damage.
(d) Constructed by methods and practices that minimize flood damage.
(e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
(f) Adequately drained to reduce exposure to flood hazards.

915. Flood Fringe Standards, Structural Standards.

Applicants must demonstrate that:

(a) Residential. New residential structures, existing residential structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.

(b) Non-Residential. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage will:

- Meet the standards of Subparagraph (a) above; or
- Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure.
- Is dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.

(c) In Zone AO. New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the town's FIRM, or at least 3 feet if no depth number is specified.

(d) Critical Facilities. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:

- Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher; and
- Have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.

(e) Historic Structures. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure

designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:

- Any future damage to enclosures below the lowest floor must not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures.
- Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired.
- The building foundation must be structurally sound and reinforced to withstand a base flood event.
- The structure's historic designation must not be precluded.
- The likelihood of flood waters entering the structure during the base flood must be reduced; and
- There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

(f) Enclosed Areas Below BFE. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:

- Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits.
- Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect; and
- Include a signed agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use other than parking of vehicles, storage, or building access.
- the Administrative Officer will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

916. Flood Fringe Standards, Small Accessory Structures.

Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the applicant locates the structure on the building site so as to offer the minimum resistance to the flow of floodwaters and meets the criteria in Subparagraph 913.

917. Flood Fringe Standards, Fuel Storage Tanks.

Applicants must demonstrate that fuel storage tanks will be:(a) Securely anchored to prevent flotation.

(b) Located on the landward or downstream side of the building.

(c) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces; and

(d) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of the fuel line or hook-up serving an existing building:
(I) The tank vent pipe/valve must be located at least 2 feet above BFE; or
(ii) The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

918. Flood Fringe Standards, Utilities and Service Facilities.

For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

919. Flood Fringe Standards, Water and Wastewater Facilities Water supply systems

Water and Wastewater Facilities Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

920. Flood Fringe Standards, Temporary Structures and Vehicles.

Temporary structures and vehicles must either:
(a) Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer.
(b) Be located within this overlay district for less than 180 consecutive days: or
(c) Conform to all applicable provisions of this section for permanent structures.
(9) Subdivisions and Planned Unit Developments (PUDs). Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that all lots will be accessible over land located outside the flood hazard area.

921. Variances.

The Development Review Board may grant variances within this overlay district as established in Section 516-518. Any variance granted for development within the flood hazard area must include the following statement, “The issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 in coverage.”

922. Substantial Improvement and Substantial Damage Determinations.

The Administrative Officer will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:

(1) A recent building appraisal completed by a qualified professional that documents the structure's market value, excluding land value, prior to the damage or improvement.

(2) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or

(3) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA's Substantial Damage Estimator software.

923. Certificate of zoning compliance.

The applicant must obtain a Certificate of zoning compliance for all development subject to the provisions of this overlay district. The Administrative Officer must not issue a Certificate of zoning compliance for development within this overlay district until the applicant has submitted all required as-built documentation.

924. Administrative Records.

In addition to all other applicable requirements of these regulations, the Administrative Officer must file and maintain a record of:

(1) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and

(2) All floodproofing and other certifications required under this section.

925. Violations.

In addition to all other applicable provisions of these regulations, the Administrative Officer must:

(1) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and

(2) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.

926. Appeals.

The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of Section 717 or Section718 as applicable.

927. Definitions.

The definitions below apply to terms used within this section. Any term not defined below will be as defined in Chapter 5.

(1) **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

(2) **Base Flood Elevation** (BFE) means the elevation of the water surface elevation resulting from the base flood. On the Flood Insurance Rate Maps, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

(3) **Basement** means any area of the building having its floor elevation sub-grade (below ground level) on all sides.

(4) **Compensatory Storage** means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:

(a) Have an unrestricted hydraulic connection to the same waterway or water body; and

(b) Be provided within the same reach of the river, stream, or creek.

(5) **Critical Facilities** mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

(6) **Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(7) **Encroachment** means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.

(8) **Fill** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

(9) **Flood** means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(I) The overflow of inland or tidal waters,

(ii) The unusual and rapid accumulation or runoff of surface waters from any source, and

(iii) Mudslides which are proximately caused by flooding and are akin to a

river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining:
(I) Caused by waves or currents of water exceeding anticipated cyclical levels, or
(ii) Suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
(10) **Flood Fringe** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).
(11) **Flood Hazard** means those hazards related to damage from flood-related inundation or erosion.
(12) **Flood Insurance Rate Map** (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. The hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).
(13) **Flood Insurance Study** (FIS) means an examination, evaluation and determination of
flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
(14) **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated
by water from any source (see definition of “flood”).
(15) **Floodproofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
(16) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.
(17) **Grading** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard

area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material will be considered "fill" and will not be considered grading.

(18) **Historic Structure** means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(c) Individually listed on the Vermont State Register of Historic Places; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(19) **Letter of Map Change** (LOMC) means a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

(20**) Lowest Floor** means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

(21) **National Flood Insurance Program** means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to landowners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

(22) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

(23) **New Construction** means structures for which the "start of construction" commenced on or after April 1, 1992, and includes any subsequent improvements to such structures.
(24) **Person** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
(25) **Public Water Access** means a public access to a water of the state and, except for toilet facilities, will not include structures as defined in this section.
(26) **Redevelopment** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.
(27) **Replacement Structure** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.
(28) **Special Flood Hazard Area** means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are available for viewing in the town office or online from the FEMA Map Service Center (msc.fema.gov). FEMA has not determined base flood elevations in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Where floodways have been determined they may be shown on separate map panels from the FIRM.
(29) **Start of Construction** means the date the town issued a permit authorizing development, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means any of the following:
(a) The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, but does not include:
(i) Land preparation, such as clearing, grading and filling
(ii) Installation of streets and/or walkways.
(iii) Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or
(iv) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
(b) The placement of a manufactured home on a foundation.
(c) The first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.
(30) **Storage means** the aggregation of materials, items, or objects whether natural or human-made:
(a) That is kept as a stockpile, collection, or inventory.

(b) Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose.
(c) Whether set upon the land or within a container, structure, or facility.
and
(d) That would not otherwise comply with the provisions of this section.
(31) **Structure** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.
(32) **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
(33) **Substantial Improvement** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after April 1, 1992, the cost of which over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been previously identified by the code enforcement official and which are the minimum necessary to assure safe living conditions or
(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
(34) **Violation** means the failure of a structure or other development to be fully compliant with the provisions of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3 is presumed to be in violation until such time as that documentation is provided.

1000. 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.

ACCESSORY DWELLING UNIT (ADU): See DWELLING UNIT, ACCESSORY.

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.

BED AND BREAKFAST: An operator occupied building, designed to room and board persons on a nightly, weekly, or seasonal basis, accommodating not more than ten. 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: An owner-occupied dwelling or part thereof, in which lodging is provided by the owner or operator for 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 HEIGHT: The maximum height of any structure in all districts, exclusive of chimneys, cupolas, antennae, and rooftop solar collectors less than 10 feet in height above a roof, is 35 feet from 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.

CAMP, PRIMITIVE: A building without a septic system which may or may not have access on a public highway. It shall be for recreational use and shall be occupied for no more than 60 days in any calendar year and occupied for no more than 3 consecutive weeks.

CAMPGROUND: A parcel of land designed and operated to accommodate more than three

camping units, including but not limited to campers, tiny homes, travel trailers, RVs, cabins, lean-tos, tents, and yurts. Campgrounds require state permits.

CHILDCARE FACILITY: Any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the State Board of Education.

CHILDCARE HOME, FAMILY: Accessory use of single-unit residential property for a small daycare business that operates under state license or registration.

COMMERCIAL ACCOMMODATIONS: accommodations, offered on a nightly, weekly, seasonal or other short-term basis, in units, whether singly or separately owned, which have in house management entity operating the structure and or facilities and which may provide such services as maid service, a central switchboard, or dining facilities.

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 in section 507.

COVERAGE, IMPERVIOUS: the total horizontal area of all buildings, roofed or covered spaces, paved or packed gravel surface areas, walkways and driveways.

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

CUSTOMARY HOME OCCUPATION: A business that is customary in residential areas practiced within a dwelling unit or an accessory structure.

DAYCARE FACILITY: See CHILDCARE FACILITY.

DISTRICT: a specific portion of the town as established by the provisions of section 201 of this bylaw.

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

DWELLING UNIT, ACCESSORY (ADU): A dwelling unit located within or appurtenant to an owner-occupied single-unit dwelling that is clearly subordinate to the single-unit dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided that the property has sufficient wastewater capacity

and that the unit does not exceed 30 percent of the total habitable floor area of the single-unit dwelling, or 1,000 square feet, whichever is less..

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.

EVENT VENUE: A commercial establishment used to host conventions, meetings, weddings, receptions, reunions and similar special events.

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. For corner lots, frontage shall be measured on the side with highway access. Lots accessed by an easement do not have to meet the minimum frontage requirement.

SETBACK, FRONT: The linear distance between a structure (excluding entry steps or ramps to the first floor) and the centerline of a town road. The Vermont Department of Transportation and the Zoning Administrator should be consulted for the setback on state Highways.

GROUP HOME: A residential property used to provide room, board, and personal care for up to eight (8) people with disabilities unrelated to the resident caregiver and that operates under state license or registration.

HIGHWAY RIGHT-OF-WAY: Shall mean any publicly owned space used for vehicular or pedestrian traffic, including the air space above. The highway right of way is wider than the road surface.

HOTEL: See Commercial Accommodations

INDUSTRY ,HEAVY: Asphalt and concrete plants; crematories; electric generating plants and facilities, bulk material processing, and storage; manufacturing and storage of chemicals, explosives, and fuels; Outdoor Gun Ranges, outdoor manufacturing.

INDUSTRY, LIGHT: 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. Light Industry is only allowed in lots in RR5 having direct vehicular access onto a paved public road.

INN: See Commercial Accommodations

JUNKYARD: Any place or facility of outdoor storage or deposit for storing, keeping, processing, or selling junk or as a scrap metal processing facility. Junkyard also means any outdoor area used for the operation of an automobile graveyard. It does not mean a garage where wrecked or disabled vehicles are stored for less than 90 days for inspection or repairs.

LAND DEVELOPMENT: the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building sign 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.

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 where a PUD is planned.

MOBILE HOMES: (aka manufactured homes) are prefabricated homes built on a permanent chassis. A zoning permit is required for either permanent or temporary siting of mobile homes on a property.

MODULAR HOMES: Modular homes are prefabricated homes not built on a chassis, and they shall be considered the same as site-built homes by these bylaws.

MOTEL: See Commercial Accommodations

MULTI USE BUILDING: A building containing two or more uses including but not limited to: commercial and residential or commercial and recreational or office and retail.

MYLAR: a brand of polyester film; also, a term used to designate surveys printed on polyester film which meet the standards of 27 V.S.A. § 1403 and are intended to be recorded in the Town of Peru's land records.

NONCONFORMING LOT: A lot or parcel of land which does not comply with the dimensional

standards of the underlying zoning district.

NONCONFORMING 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.

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

NON-FRONTAGE LOT: A lot accessed by an easement over someone else's land. No two easements shall have highway access closer together than the minimum frontage for the district.

PAVEMENT, PERVIOUS: Driveways and parking areas designed to allow stormwater to penetrate into the ground.

PC: Peru Planning Commission

PLAT: a map of a subdivision or tract of land, detailing where the property lines are located.

PRIMITIVE CAMP: See CAMP, PRIMITIVE.

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, not just the road surface.

RECONSTRUCTION: To demolish and rebuild a structure.

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

RECREATION FACILITY, OUTDOOR: 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 one or two-unit dwelling, and ski lifts.

RECREATIONAL VEHICLE (RV): 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.

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.

SERVICE AREA: An area at a use other than a one or two-family home used for outdoor storage, dumpsters, exposed machinery, the parking of trailers, dump trucks, and heavy equipment.

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 intended 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.

SITE PLAN SKETCH: A sketch done by a builder or landowner on a satellite photo or a copy of a survey, which is adequate for showing that a proposed construction at a one or two-family home the meets dimensional requirements of a zoning district.

STREAM: A body of running water, flowing in a regular course mapped by the Vt Agency of Natural Resources.

STRUCTURAL ALTERATION: Any change to the supporting members of a building or any structural change in the roof or in the exterior walls. Also, any exterior structural change, rearrangement, change of location, or addition to a building, structure, or sign, other than repairs its features, equipment, and general maintenance. Includes any interior alteration when expansion of usable floor area of a permitted use is involved.

STRUCTURE: A functionally connected assembly of materials for occupancy or use, including but not limited to a building, trailer, sign, an in-ground pool, a tennis court.

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 includes subsequent subdivision, and the division of land held in common and subsequently divided into parts among the several owners.

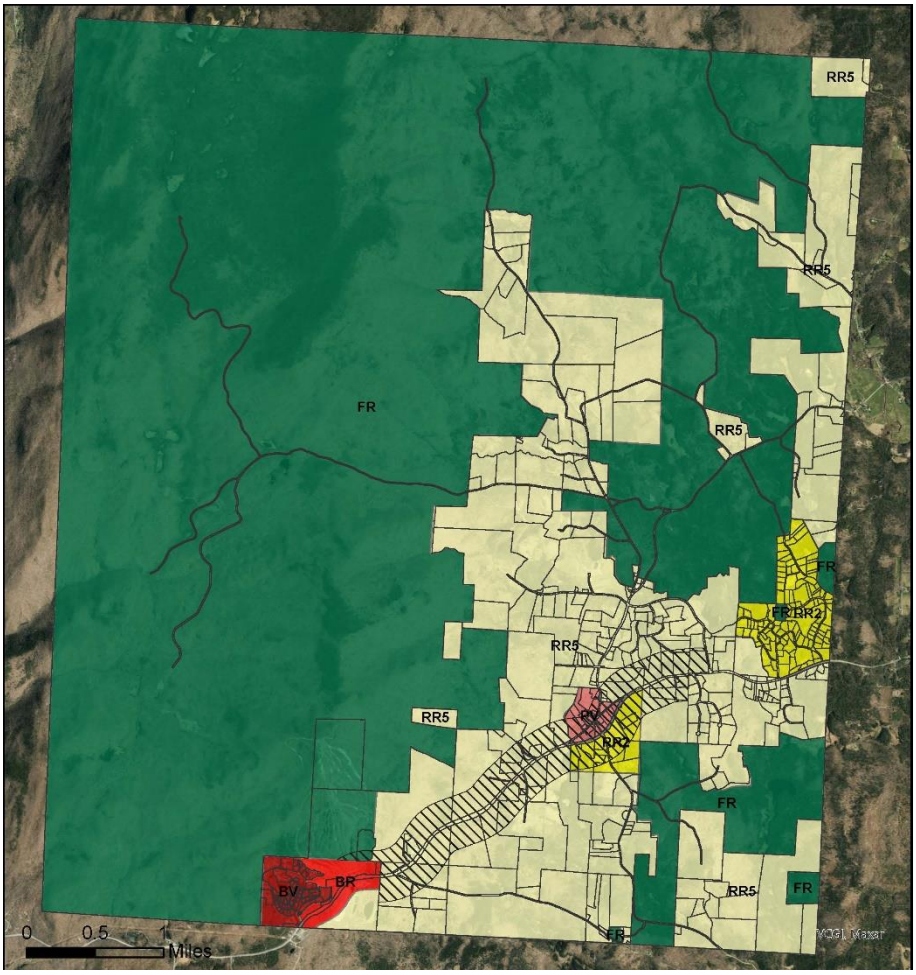
SURFACE WATER: A river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources

TEMPORARY EVENT: A "Temporary Event" is a temporary use, of a street, sidewalk, parcel of land, a building or portion of a building, or a site that occurs fewer than two times a year, and that lasts one or two days maximum. Events that occur with more frequency or for a longer duration, or events that are actively associated with a home business, require a zoning permit.

WAIVER: The relaxation or deviation of the terms of this Bylaw granted by the Zoning Board of Adjustment pursuant to VSA 24 § 4414(8).

WETLANDS: those areas 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.

ZBA: Peru Zoning Board of Adjustment



Proposed Zoning Map
Town of Peru, Vermont

Prepared by Bennington County Regional Commission
November 1, 2023

- Parcels
- Bromley Resort District (BR)
- Bromley Village District (BV)
- Forest Recreation District (FR)
- Peru Village Historic District (PV)
- Route 11 Corridor Overlay
- Rural Residential 2 District (RR2)
- Rural Residential 5 District (RR5)

BCRC

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