



TOWN OF PERINTON

1350 TURK HILL ROAD. FAIRPORT, NEW YORK 14450-8796
(585) 223-0770, Fax: (585) 223-3629, www.perinton.org

NUMBER _____ FEE \$ _____
(verify fee with staff)
MEETING DATE _____

APPLICATION FORM -SPECIAL USE PERMIT

Instructions to Applicant

1. Submit original and 11 (eleven) copies of this application. Type or print. **If this is an administrative renewal, only one copy of all documentation is required. Please verify with Zoning Board of Appeals (ZBA) Secretary or Director of Buildings & Codes.**
2. Submit original and 11 (eleven) copies of Letter of intent (detailed explanation of request).
3. Submit survey of property (full sized) with 11 copies – marked up to show request.
4. Please review Procedures for filing an application to appear before ZBA, SUP Application Requirements, Instructions for Customary Home Occupations (if applicable), Instructions for Temporary Activity Permit (if applicable), Instructions for keeping of bees, chickens & other animals (if applicable).
5. An EAF may be required. (In most cases, an EAF is not required, please verify with Zoning Board of Appeals (ZBA) Secretary or Director of Buildings & Codes. If an EAF is required, it may be obtained from [Link](#) to Short EAF & Long EAF parts 1, 2 & 3

1. APPLICANT

Name _____ Phone _____
Street& Number _____ City _____ Zip _____
Interest in Property: Owner _____ Lessee _____ Other _____

2. OWNER (if other than applicant)

Name _____ Phone _____
Street& Number _____ City _____ Zip _____

3. ATTORNEY (If represented)

Name _____ Phone _____
Street& Number _____ City _____ Zip _____

4. INTEREST: Does any officer or employee of the State of New York, County of Monroe, or Town of Perinton have any interest in the owner/applicant or the subject property?

Yes _____ No _____

If yes, who?

Name _____ Address _____

INTEREST (explain): _____

5. LOCATION: Street Address or Legal Description (subdivision and lot number)

6. SIZE OF PARCEL: _____

7. PRESENT USE OF PROPERTY: _____

8. ZONING DISTRICT: _____ **TAX ACCOUNT #** _____

9. Describe specifically the nature of your request:

10. Describe the location, use and size of structures and other land use within 100 feet of the boundaries of the subject property:

11. The criteria used by the Zoning Board of Appeals of the Town of Perinton are set forth in Section 208-54 of the Zoning Law. Special Use Permits can only be granted where the proposed is already a permitted use, but requires Zoning Board approval. That approval can only be given when the applicant offers proof that his proposed use will not violate any of the following factors:

A. You must show that your proposal will be in harmony with the general purpose and intent of the Zoning Ordinance of the Town of Perinton, considering the location, magnitude of the use, the nature and intensity of the operations involved in or conducted in connection with it, and the size of the subject property with respect to the streets giving access to the subject property.

Will your proposed use be detrimental to the neighborhood due to location? No_____ Yes_____

The nature or magnitude of use? No_____ Yes_____

Inadequate access to property? No_____ Yes_____

If yes to any of above, explain how it will be detrimental. If effect can be lessened in some manner, explain how: _____

B. Will your proposed use tend to depreciate adjacent property or alter or be detrimental to the character of the neighborhood? No_____ Yes_____

If yes, explain how it will be detrimental. If effect can be lessened in some manner, explain how: _____

C. Will your proposed use create a hazard to health, or the general welfare of the neighborhood or significantly alter the flow of traffic? No_____ Yes_____

If yes, explain how. If effect can be lessened in some manner, explain how. _____

I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed and the premises used as stipulated in this request.

Signature of Applicant:_____Date_____

Printed name of Applicant_____

Property Owner (If other than applicant)

I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

Signature of property owner_____Date_____

Printed Name of property owner_____

**PROCEDURES FOR FILING AN APPLICATION TO APPEAR BEFORE THE
ZONING BOARD OF APPEALS (ZBA)**

1. Applicant obtains application form from Zoning Board of Appeals Secretary (located at Office of Building & Codes at the Perinton Town Hall or Perinton website at <http://www.perinton.org/Boards/Zonebd/forms/> and fills it out with complete detailed information as requested. Also, complete short E.A.F. form (if applicable). Print or type. EAF is available at [Link](#) to Short EAF & Long EAF - parts 1, 2 & 3.
2. The original application, along with 11 copies, shall be returned to the Zoning Board of Appeals Secretary, according to cut-off date schedule with application fee. (see fee schedule for pricing at <http://www.perinton.org/government/fees> or contact ZBA Secretary at 223-0770 to determine cost). Attach to each application, copies of maps, plans, and any required supporting documentation. If address of property is different than applicant's address, show that on map and plans. Please return application in person; they may not be mailed in, as there is paperwork to be completed at the time of submission.
3. Applications will not be put on the agenda for a public hearing if any of the above items or information is missing.
4. Buildings & Codes staff will post a notice of application received sign at the front property line two weeks prior to the public hearing.
5. The Zoning Board of Appeals Secretary will place a legal notice in the proper newspaper, advertising applicant's name, location, and request.
6. Town staff & Zoning Board of Appeals members may inspect the property to review the application request.
7. The next step is that the applicant or agent of the applicant must appear before the Zoning Board of Appeals on the scheduled date to explain what they would like to do. The meetings are held on the fourth (4th) Monday of each month starting at 7:30 P.M, unless otherwise noted.

At the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or Determination, as in its opinion ought to be made for the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

8. A notification letter is mailed out by the Zoning Board of Appeals Secretary to each applicant stating the Board's decision. Several days may elapse after a meeting before notification is mailed out, depending on the number of applications and other duties that the ZBA Secretary is responsible to fulfill.

9. Should an applicant desire to know the outcome of the Board's action before receiving a formal notice, they may call the Zoning Board Secretary at 223-0770.

Minutes of Board meetings are not final until approved by the members at a future meeting and then filed with the Town Clerk.

10. Next step, if applicable, is to obtain a Building Permit from Office of Building & Codes

In addition, it may be necessary to obtain a Certificate of Occupancy prior to occupying or starting operations. This can be verified by checking with the Office Building & Codes at 223-0770.

**WHEN IN DOUBT, PLEASE CALL THE ZONING BOARD OF APPEALS
SECRETARY OR THE OFFICE OF BUILDING & CODES AT 223-0770.**

TOWN OF PERINTON
1350 Turk Hill Road
Fairport, NY 14450
Tel – 585-223-0770
Fax – 585-223-3629
www.perinton.org

SPECIAL USE PERMIT ZBA APPLICATION REQUIREMENTS

PLEASE REVIEW PRIOR TO SUBMISSION of a Zoning Board of Appeals application:

Review Perinton Town Code requirements at: <http://www.perinton.org/codes/>

We encourage you to review all requirements for submission to Zoning Board of Appeals (ZBA) with staff located in the Office of Buildings & Codes, prior to submitting any documentation to ensure a smoother process. Please contact Zoning Board of Appeals Secretary at 223-0770 with any questions you may have regarding the process and meeting information. Code related questions should be directed to Director of Buildings & Codes.

Applications are available in the Town Hall in the office of Buildings & Codes or you may download and print them off of our website at:

<http://www.perinton.org/Boards/Zonebd/forms/>

You are required to submit the following:

- Original and 11 (eleven) copies of letter of intent addressed to the Zoning Board of Appeals with a written description of what your request is. Type or print. For Customary Home Occupations or Temporary Activity Permits, see supplemental instructions attached.
- Original and 11 (eleven) copies of this application. Type or print. Application must be signed in ink by both owner of the parcel and the applicant, if the applicant is not the owner.

Application must state who the current owner of the parcel is, and the name of the person or company must match the name on the current deed to the parcel.

- If the owner of the property is unable to sign the application & supporting documentation for some reason, then an owner authorization to make application form is required to be used instead. This document is available at the Town website at:

<http://www.perinton.org/Boards/Zonebd/forms/> ,

and is required to be filled out and signed in ink by the the owner of the parcel, if the applicant is not the owner.

- **If required** - Original and 11 (eleven) copies of short EAF form. Type or print. EAF must be signed in ink by both owner of the parcel and the applicant, if the applicant is not the owner. The short form is to be used for Unlisted Actions only. The full form is to be used for all other actions as specified under the S.E.Q.R law. If you are unsure if this form is required, or which form to

fill out, please check with staff in the Office Buildings & Codes. EAF is located at: [Link](#) to Short EAF & Long EAF - parts 1, 2 & 3

- Twelve (12) copies of floor plan, **when necessary**, drawn to scale.
- Twelve (12) copies of instrument survey map
- All of this documentation must be assembled into individual packets. The packet that is the original must be clearly marked original.
- A non-refundable fee shall accompany this application. See current fee schedule to verify cost of application at <http://www.perinton.org/government/fees> or contact ZBA Secretary at 223-0770.
- Please remember that the documents that you are submitting are public records and if you do not want your phone number or e-mail address to be a part of the public record, do not put it on the form. Please give staff the information and we will keep it electronically.
- When you do submit an application, it will be reviewed at a later date by Town staff to determine if it is a complete application. **Please note that you are not on an official agenda until such time as that determination has been made.**

Zoning Boards of Appeal in New York State are bound by court cases which have clearly set forth the factors to be considered by the Board in reviewing your request. These may seem unnecessary in many instances but by handling all cases under the same guidelines, you are assured equitable treatment by the Board.

**INSTRUCTIONS FOR CUSTOMARY HOME OCCUPATIONS
SPECIAL PERMIT
FOR ADMINISTRATIVE APPROVAL OR BOARD APPROVAL**

- There is an application fee, collected at time of application. Please ask Zoning Board of Appeals Secretary for the cost of this application before you submit the application as our fee schedule may have changed.
- At the time the application is submitted, the applicant should request an appointment with the Perinton Fire Marshal to schedule an inspection of the property for use as a Customary Home Occupation. Upon completion, the Fire Marshal will submit a copy of this report to the Zoning Board of Appeals Secretary for distribution.
- Zoning Board of Appeals requires the original application and supporting documentation, along with 11 complete copies to be submitted to the Town.
- If the applicant has been through the approval process a number of times and the Zoning Board of Appeals has authorized administrative approval for future renewals, only one copy of application and supporting documentation is required.

Applicant to fill out Special Permit application in full. The following information should be written/explained in letter of intent which should be attached to the application.

Describe the type of business being proposed

What are the proposed hours of operation

What are the proposed days of operation

What is the amount of space that will be used in the home for the proposed business in comparison to square footage of home

Are you the only employee of the proposed business

Are you proposing to have any signage

How do you plan to advertise this business

Will there be UPS/Fed Ex., etc. deliveries to your home in relation to the business
If so, how many per week

Will there be any 18-wheeler deliveries to your home in relation to the business.

Will there be customers/clients coming to your home
If so, how many per week

Are appointments scheduled

Where will employees/customers/clients park

**INSTRUCTIONS FOR SPECIAL PERMIT (Temporary Activity Permit)
ADMINISTRATIVE APPROVAL OR BOARD APPROVAL**

These instructions are NOT for customary home occupations. These instructions should be used for parades, walk/runs, fireworks, other events, etc. Please read carefully.

Along with the completed application the following supporting documentation is required to be submitted as part of the application:

1. Applicant to submit letter of intent describing the event, location, start and end time of event, where parking will occur, who the contact person is for the event, and what their telephone number is, clean-up description indicating who is responsible for clean-up, and when it will occur once the event is complete. This letter of intent should be addressed to the Town of Perinton Zoning Board of Appeals and the letter should indicate that copies of the letter of intent have/will be sent to:

- Appropriate police department
- Appropriate fire department
- Perinton Ambulance
- Village of Fairport (if applicable). If event is to occur in both the Village and the Town, the Town requires proof of approval from Village governing authority prior to event or at time of application
- Perinton Recreation and Parks Dept. (if applicable).

2. Certificate of insurance listing the Town of Perinton as additional insured in the amount of One Million dollars, unless the event is on private property. If a fireworks display is part of the event, proof of insurance for the explosives company will be required. If the event does not include a fireworks display, and the event is not on public property, no insurance certificate is required.

3. Map of event route for run/walk/parade (if applicable), map of location where fireworks will be discharged from, (if applicable), and map of property showing where parking will occur for the event.

4. Proof of rental of Perinton Parks and Recreation Building/Shelter (if applicable).

5. For a fireworks display, or other event that would require the Fire Marshal to inspect prior to event, such as public festivals with tents and cooking, and similar events that impact public parking lots and fire lanes, (this would be determined by Director of Buildings & Codes), applicant must contact Perinton Fire Marshal upon submitting application to the Town for either Board or Administrative approval to inspect location where fireworks will be discharged from, if applicable, and/or location where other special event will take place, and to what extent it will impact parking and fire lanes and all other fire and life safety concerns. Fire Marshal to submit written report to Zoning Board of Appeals Secretary after inspection, which will then be distributed to Zoning Board of Appeals members and/or appropriate Town staff.

For administrative approvals involving fireworks displays, applicant shall also notify immediate neighbors of the event. Applicant to provide to the Town a list of neighbors who have been notified, as well as a copy of the notification letter. This is not required for advertised applications at public meetings.

6. Application fee payable to the Town of Perinton. Contact Zoning Board of Appeals Secretary to determine cost of application.



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KEEPING ANIMALS ON RESIDENTIAL PROPERTIES

Note: This document does not apply to keeping customary household pets or chickens.

Perinton Town Code regulates the keeping of animals on residential properties that are under 5 acres in area within the town. Customary household pets are domesticated animals, such as a dog, cat, rodent, reptile, fish or turtle and are permitted in all districts with no town approval except for dogs, subject to the Dog Control Law of the Town. Chickens may be kept in accordance with the chicken-keeping regulations and by permit from the Building & Codes Department. Residents may seek approval for keeping all other animals and non-customary household pets, including honeybees by following the below procedures to apply for a Special Use Permit from the Zoning Board of Appeals.

Application requirements:

1. Obtain an application for a Special Use permit from the Director of Volunteer Boards or online at <https://perinton.org/government/boards/volunteer-boards/zoning-board-of-appeals/forms/>
2. Provide a letter of intent detailing the nature of the request.
3. Include parts 1,2 & 3 of the short-form Environmental Assessment Form-
<https://www.dec.ny.gov/permits/6191.html>
4. Monroe County Planning Department application & comments are required.
<https://www.monroecounty.gov/planning-guide>
5. Completion in a class on animal-specific techniques from a Town-approved entity. The Town will not accept an application unless it is accompanied by proof of completion. Acceptable courses include:
 - Background to Beekeeping (Udemy online course)
 - Local Cornell Cooperative Extension courses
 - Rochester Beekeeper courses
 - Any other appropriate courses, subject to Town review/approval
6. Provide a copy of the property survey map indicating size and location of any hive boxes, enclosures, proposed fencing, barriers and distances to adjacent property lines.

General requirements:

Animals shall be housed in such a manner as not to create an annoyance to surrounding properties.

For honeybees:

1. Apiaries should consist of no more than two colonies.
2. Apiaries should be located in the rear yard and set back 15 feet from adjacent property lines.
3. Apiaries should be bordered by a hedge, fence or flyway barrier to force bees to fly above head level and provide screening from neighbors.

The Zoning Board has the right to modify these requirements as they see fit based on the merits of each individual application.

Standards for Special Use Permits- See Section 208-54D, which includes:

1. The use will not prevent the orderly and reasonable use of adjacent properties
2. The public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
3. The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance.
4. The proposed use will not interfere with the preservation of the general character of the neighborhood and that the proposed use will be compatible with its surroundings and with the character of the neighborhood and of the community in general.

Complete applications may be submitted to the Director of Volunteer Boards in person at the Perinton Town Hall to be placed on a Zoning Board agenda. Contact this office with questions at 585-223-0770 or Lstid@perinton.org

Chapter 208. Zoning **§ 208-54. Special permits.**

[Amended 3-28-1990 by L.L. No. 2-1990; 6-27-1990 by L.L. No. 4-1990; 6-27-2001 by L.L. No. 5-2001; 3-13-2002 by L.L. 2-2002; 7-26-2006 by L.L. No. 4-2006; 3-10-2010 by L.L. No. 2-2010; 6-9-2010 by L.L. No. 4-2010]

A.

Purpose. Special permit uses are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and special impact to determine, against fixed prescribed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the need and benefit against the local impact and effect.

[Amended 2-24-2016 by L.L. No. 4-2016]

B.

Initiation. An application for a special permit may be filed by the owner of, or the person having a contractual interest in, the subject property. Such application shall be on forms provided by the Town of Perinton Building Code Enforcement and Development Department and be accompanied by a nonrefundable fee, as established by the Town Board. Within 62 days of receipt of a complete application, the appropriate board shall hold a public hearing. The Town Board shall be responsible for review and rendering of decisions on special permit applications within Town-designated historic districts. Following the public hearing and a determination under SEQRA, the board shall render a decision on the matter within 62 days, unless the time frame has been extended by mutual agreement.

[Amended 2-24-2016 by L.L. No. 4-2016]

C.

Effect of permit. A special permit issued in accordance with the provisions of this chapter shall authorize only the special permit use for which the permit is granted. Any use for which a special permit is granted shall be deemed a use permitted on the property upon which it is located, except that for any additional use or enlargement of such use, a separate use permit shall be required for each addition or enlargement. The special permit may include reasonable conditions related to the proposed use, which the issuing board determines to be necessary or appropriate to ensure that the applicable standards and safeguards set forth in this section for the use can be and will be met and/or adhered to. Unless the approving board specifies a different period, a special permit shall be valid for a period of one year. Failure to exercise, maintain or continue a use which has been granted a special permit for a period of one year shall render such permit void.

[Amended 2-24-2016 by L.L. No. 4-2016]

D.

Standards for special permits. Before granting approval to any special permit use, the approving board shall determine whether the proposed special use will, among other things, satisfy the following considerations:

[Amended 2-24-2016 by L.L. No. 4-2016]

(1)

The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.

(2)

The public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.

(3)

The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance.

(4)

The proposed use will not interfere with the preservation of the general character of the neighborhood in which such building is to be placed or use is to be conducted and that the proposed use will, in fact, be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.

(5)

The physical characteristics and topography of the proposed site make it suitable for the proposed special use.

(6)

The proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses.

(7)

The property has sufficient, appropriate and adequate area for the use, as well as reasonably anticipated operation thereof.

(8)

Access to facilities is adequate for the estimated vehicular and pedestrian traffic generated by the proposed use on public streets and sidewalks, so as to assure public safety and to avoid traffic congestion.

(9)

Adequate parking and internal vehicular and pedestrian traffic circulation can be accommodated on the property in compliance with other sections of the Code, taking into account adequate buffering and landscaping.

(10)

Adequate facilities exist or can be integrated into the site development to properly deal with stormwater runoff, sanitary sewers, fire protection, electrical power needs, refuse or other waste that may be generated, odors, noise or lights which may go beyond property boundaries.

(11)

The natural characteristics of the site are such that the proposed use may be introduced on the property without undue disturbance or disruption of important natural features, systems or processes and without negative impact to groundwater and surface waters on and off the site.

(12)

The proposed use can and will comply with all provisions of this chapter and of the Code which are applicable to it and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.

E.

Additional standards for drive-through facilities in historic districts. Drive-through facilities shall be sited and designed in such a way to reinforce the walkable, village-like characteristics of the historic areas and shall pay special attention to the relationship between the building and the public street. Front yards shall not be used for parking. Buildings shall provide direct pedestrian connections between the main entrance and the public sidewalk. Before granting approval to any special permit use for a drive-through facility within Town-designated historic districts, the Town Board shall determine whether the proposed special use meets the following criteria:

[Amended 2-24-2016 by L.L. No. 4-2016]

(1)

Minimum lot size shall be 30,000 square feet.

(2)

Drive-through menu boards and ordering windows shall be located completely behind the structure at the rear of the property. Fifty percent of the total stacking lanes shall be located at the rear of the property and must be shielded from view by the building, hardscape or landscape treatments.

(3)

The capacity of the drive-through stacking lanes should not interfere with the overall traffic flow within the parking lot. A length of 180 feet by a minimum of 10 feet in width of space should be available for on-site vehicular stacking. Stacking lanes should be clearly delineated with striping, curbing or

landscaping and physically separate from the public sidewalk to the main entrance and from the on-site parking area to the main entrance.

[\(4\)](#)

Each parcel with a drive-through facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.

[\(5\)](#)

Noise. Decibel levels shall not exceed 60 dBA at the closest residential property line.

[\(6\)](#)

The drive-through speaker box shall be a minimum of 100 feet from the closest residential structure.

[\(7\)](#)

Menu boards shall be a maximum of 20 square feet with a maximum height of five feet and shall be shielded from any public street and residential properties with decorative treatments and landscaping.

[\(8\)](#)

Landscaping along exterior lot lines shall include a twelve-foot-wide vegetative buffer of trees and shrubs or a six-foot fence screening constructed of low-maintenance natural materials, including brick, stone, or wood with a vegetative buffer of five feet.

[\(9\)](#)

Hours of the drive-through operation shall be limited to 6:00 a.m. to 10:00 p.m.

[\(10\)](#)

Proposed drive-through facilities shall be sited a minimum of 350 feet from the nearest existing drive-through facility, measured from property line to property line.

[\(11\)](#)

Luminaries/lighting fixtures shall not exceed 16 feet in height in vehicular areas and 10 feet in pedestrian areas.

[\(12\)](#)

Flood and area lighting shall be prohibited.

[\(13\)](#)

No outdoor lighting with a greater intensity than 1/2 footcandle, measured at five feet above the ground at the property line, shall be installed adjacent to a residential district.

[\(14\)](#)

The Town Board may grant relief from these design standards if it determines that the application still meets the objectives of § [208-54](#) and the goals set forth above.

F.

Temporary activity permit.

(1)

Purpose. The Town of Perinton recognizes that from time to time property owners and organizations wish to undertake activities which are temporary in nature that are not listed as permitted uses within the Zoning Code but provide a benefit or service to the community. These include, but not exclusively, fund-raising events by not-for-profit organizations, outside sales and displays, fireworks displays and large public gatherings. These activities are recognized as important to the sense of community, and with careful planning they will not be detrimental to public safety or the general welfare of the community.

(2)

Issuance.

(a)

The Zoning Board of Appeals may issue a temporary activity permit for the use of a specified area in any zoning district for temporary activities not otherwise permitted in such zoning district. The Commissioner of Public Works, or designated representative, may require the applicant to submit such information as may be required, including the location of all structures on the premises where the proposed temporary activity is to be conducted.

(b)

In granting a temporary activity permit, the Zoning Board of Appeals may impose such conditions on the temporary activity permit as are necessary to ensure that the standards for special use permits are met, as set forth in § [208-54B](#).

(c)

Any temporary activity permit granted hereunder may be revoked immediately by the Commissioner of Public Works, or designated representative, in the event that the use granted violates any of the conditions of its issuance or shall have become a public nuisance.

G.

Notice of application. All applicants for special permits or temporary activity permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town Law.

H.

Revocation of special permit and temporary activity permit. A use authorized by a special permit may be revoked by the original approving board if it is determined, after a public hearing, that there has been a

material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by said permit.

Link to Perinton Town Code

Chapter 208. Zoning § 208-54. Special permits.

[Amended 3-28-1990 by L.L. No. 2-1990; 6-27-1990 by L.L. No. 4-1990; 6-27-2001 by L.L. No. 5-2001; 3-13-2002 by L.L. 2-2002; 7-26-2006 by L.L. No. 4-2006; 3-10-2010 by L.L. No. 2-2010; 6-9-2010 by L.L. No. 4-2010]

Temporary Activity Permit

Temporary activity permit.

(1)

Purpose. The Town of Perinton recognizes that from time to time property owners and organizations wish to undertake activities which are temporary in nature that are not listed as permitted uses within the Zoning Code but provide a benefit or service to the community. These include, but not exclusively, fund-raising events by not-for-profit organizations, outside sales and displays, fireworks displays and large public gatherings. These activities are recognized as important to the sense of community, and with careful planning they will not be detrimental to public safety or the general welfare of the community.

(2)

Issuance.

(a)

The Zoning Board of Appeals may issue a temporary activity permit for the use of a specified area in any zoning district for temporary activities not otherwise permitted in such zoning district. The Commissioner of Public Works, or designated representative, may require the applicant to submit such information as may be required, including the location of all structures on the premises where the proposed temporary activity is to be conducted.

(b)

In granting a temporary activity permit, the Zoning Board of Appeals may impose such conditions on the temporary activity permit as are necessary to ensure that the standards for special use permits are met, as set forth in § 208-54B.

(c)

Any temporary activity permit granted hereunder may be revoked immediately by the Commissioner of Public Works, or designated representative, in the event that the use granted violates any of the conditions of its issuance or shall have become a public nuisance.

Link to CUSTOMARY HOME OCCUPATION DEFINITION – 208-8

An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use. This shall be understood to include the professional office or studio of a physician, dentist, teacher, artist, architect, engineer, accountant, musician, chiropractor, podiatrist, lawyer, manufacturer's representative, real estate salesman or broker, travel agent, insurance agent, business consultant and other services of a professional nature. The office or studio must be located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in the Sign Law of the Town of Perinton.[1] Permission to conduct such use, or other similar uses, must be secured by special permit from the Board of Appeals after a public hearing. The Board of Appeals may determine if the proposed use comes under this section.[2]