

ARTICLE XXIX
Downtown Center 1: Main Street (DC-1) Zoning Use District
[Added 11-3-2004 by L.L. No. 45-2004]

§ 301-140. Purpose and intent.

The intent of the Downtown Center 1: Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale.

§ 301-141. Uses.

In the DC-1 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses: [Amended 2-7-2006 by L.L. No. 8-2006]

- (1) Retail stores, with 10,000 square feet of gross leasable floor area or less.¹
- (2) Banks.
- (3) Personal service businesses.
- (4) Indoor public markets.
- (5) Art galleries and studios.
- (6) Museums, libraries, aquariums and other cultural attractions.
- (7) Restaurants, cafes, bakeries with retail sale on premises, banquet facilities, specialty food stores, ice cream parlors.
- (8) Theaters and cinemas.
- (9) Professional offices (except for veterinary offices) on the ground floor.
- (10) Schools (including business and secretarial).
- (11) Places of worship.
- (12) Residential units on upper floors, subject to the following conditions: **[Amended 11-17-2009 by L.L. No. 62-2009]**
 - (a) Studio apartments or efficiency units consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities, shall have a minimum of 300 square feet and a maximum of 450 square feet.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

- (b) Except as set forth in Subsection A(12)(a) above, the dwelling unit may contain one kitchen, one dining room, one living room, one or two bathrooms and up to two bedrooms. Rooms designated as dens, libraries, studios, family rooms, bonus rooms, computer rooms, or any similarly named room, shall be deemed to be additional bedrooms, unless the room is designed such that the dimensions are less than 70 square feet or as part of an open floor plan design.
- (c) The application for site plan approval must include all floor plans which demonstrate compliance with the provisions in Subsection A(12)(a) and (b) above.
 - * Note: Subsequent to the date of enactment of this article, upon the issuance of certificates of occupancy for 500 residential units, such residential units as set forth in Subsection A(12) of this section shall be prohibited within the DC-1 Zoning Use District.

(13) Bed-and-breakfast establishments.

(14) Townhouses upon lots with frontage along public highways other than New York State Route 25.

B. Special permit uses:

- (1) Hotels.
- (2) Marinas.
- (3) Taverns.
- (4) Indoor recreation facilities.
- (5) Day-care, nursery schools.
- (6) Dormitories, on upper floors.
- (7) Retail stores with greater than 10,000 square feet of gross leasable floor area.
- (8) Microbrewery, brew pub, microcidery and microwinery, subject to the following additional criteria: **[Added 7-7-2015 by L.L. No. 10-2015]**
 - (a) The use shall not be located within 200 feet of a school or house of worship.
 - (b) The use shall be limited to serving prepackaged food products, unless the applicant obtains approval and a certificate of occupancy for use as a brew pub or restaurant use within that portion of the premises used for preparation and service of food.
 - (c) The use shall permit tastings and sale for on-site consumption, subject to all required permits and approvals required by state and local laws, rules and regulations.
 - (d) The use shall permit sale for off-site consumption (i.e., filling of growlers) limited to 1,000 barrels annually and offer to licensed retailers and wholesalers limited to

2,500 barrels of beer, cider or wine annually.

- (e) The processing and manufacturing shall not exceed 10,000 barrels (310,000 gallons) annually.
- (f) All manufacturing and processing activities, including storage of grains, shall take place within an enclosed building.
- (g) A maximum of 70% of the total square footage shall be used for manufacture and processing.
- (h) A minimum of 30% shall be used for the sale and marketing of the manufactured product.
- (i) All sales and marketing shall be located in the portion of the building located along road frontage.
- (j) A microbrewery, brew pub, microcidery or microwinery use shall be required to hook up to the sewer system and enter into a monitoring agreement with the Sewer District to determine flow and calculate the use fee. (Note: A separate hookup and fee shall be assessed for a pub/restaurant use related to a brew pub.)
- (k) All loading areas shall be located in the rear portion of the building.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Artists' studios, provided that they occupy 40% or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.

D. Prohibited uses:

- (1) All ground-floor offices, with the exception of real estate and professional offices.
- (2) Office-only buildings.
- (3) Ground-floor residential units, with the exception of townhouse uses.
- (4) Flea markets, with the exception of farmers markets.
- (5) Gas stations, car washes, and other automobile-oriented uses.
- (6) Drive-through windows for restaurants and banks.
- (7) Antennas for wireless providers.

§ 301-142. Lot, yard, bulk and height requirements.

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule² incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except

as may be hereafter specifically modified.

§ 301-143. Supplementary guidelines. [Amended 5-5-2009 by L.L. No. 21-2009]

The design, buffer and parking standards listed in the provisions below (Subsections A and B of this section) are intended as a guide or measure for improvements in parcels in this zoning district, and the word "shall" recited in the provisions below, with the exception of Subsection B(1) which requires adherence to the Parking Schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the Board responsible for review.

A. Design standards.

- (1) The principal building entrance and front shall face the primary street frontage and sidewalk. Secondary building entrances on the south side of Main Street shall face the Peconic Riverfront.
- (2) At least 75% of linear width of the front facade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.
- (3) Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.
- (4) Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in facade plane, piers, or other architectural features.
- (5) Signage in the DC-1 Zoning Use District shall be provided in accordance with Article XLVIII, Signs, of this chapter.
- (6) Buffering and transitions.
 - (a) Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof pursuant to § 245-8.
 - (b) Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
 - (c) Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

B. Parking standards.

- (1) The number of off-street parking spaces in the DC-1 Zoning Use District shall be provided in accordance with § 301-231, Off-street parking.
- (2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to a twenty-percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.

2. **Editor's Note:** The Zoning Schedule is included as an attachment to this chapter.

- (3) The parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 301-231.
- (4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to the rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from the front property line.
- (5) Parking may also be located fully below buildings, partially below grade in a building, or at grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.
- (6) Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than 30 feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.

C. Storefronts and facade standards. The storefronts and facades of building(s)/structure(s) shall be maintained in a way that does not provide evidence of vacancy. The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit evidence of vacancy. Any storage within the building(s)/structure(s) shall be concealed by means of storefront and/or window decor, displays, etc. Spray painting or frosting windows is not an acceptable means by which an owner of property may conceal that which is within.

[Added 10-17-2017 by L.L. No. 22-2017]

ARTICLE XXX
Downtown Center 2: Waterfront (DC-2) Zoning Use District¹
[Added 11-3-2004 by L.L. No. 46-2004]

§ 301-144. Purpose and intent.

The intent of the Downtown Center 2: Waterfront (DC-2) Zoning Use District is to create a downtown waterfront area that meets the combined goals of continuous pathways and public waterfront access, generous open space and landscaping, and watershed protection through limits on impervious surfaces.

§ 301-145. Uses.

In the DC-2 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Marina, resort.
- (2) Retail stores.

B. Special permit uses:

- (1) Hotels, inns, and bed-and-breakfast establishments.
- (2) Indoor recreation facilities.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Restaurants, cafes, cafeterias.
- (2) Outdoor storage of boats and other watercraft as an accessory use to a marina.

D. Prohibited uses:

- (1) Offices.
- (2) Gas stations, car washes, and other automobile-oriented uses.
- (3) Drive-through windows for restaurants and banks.

§ 301-146. Lot, yard, bulk and height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the

1. **Editor's Note:** Original Art. XXX, Defense Institutional District, of the 1976 Code, added 11-17-1987, was repealed 12-14-2004 by L.L. No. 53-2004.

Zoning Schedule² incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. In order to foster environmental conservation as well as preservation of the Town's scenic and rural quality, properties shall provide a contiguous open space area equal to at least 30% of the lot area. Such open space areas shall use native plant species to enhance the appearance and function of the riverfront as ecological habitat. In order to protect the health of the river, the use of lawns and other plantings which rely on fertilizers and herbicides is strongly discouraged at the rear of lots facing the river.

§ 301-147. Supplementary guidelines. [Amended 5-5-2009 by L.L. No. 22-2009]

The design standards and parking standards listed in the provisions below (Subsections A and B of this section) are intended as a guide or measure for improvements in parcels in this zoning district, and the word "shall" recited in the provisions below, with the exception of Subsection B(1) which requires adherence to the Parking Schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the Board responsible for review.

A. Design standards.

- (1) All properties shall provide a pedestrian easement for a walking trail that connects to existing trails or provides the ability to connect to future trails on adjacent properties. Trails shall be at least four feet wide and constructed of a permeable surface.
- (2) New buildings and all other elements of the site plan, including access, parking areas and landscaped open space, shall be sited to preserve and enhance pedestrian pathways to, and view corridors of, the Peconic River.
- (3) All buildings in the DC-2 Zoning Use District shall provide entries to both a public street and the Peconic River walkway or trail.
- (4) For building facades facing West or East Main Street, at least 50% of the linear width of the facade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.
- (5) Signage in the DC-2 Zoning Use District shall be provided in accordance with Article XLVIII, Signs, of this chapter.
- (6) Buffering and transitions.
 - (a) Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to § 245-8.
 - (b) Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
 - (c) Deliveries and loading activities shall, to the extent possible, be restricted to the

2. Editor's Note: The Zoning Schedule is included as an attachment to this chapter.

hours between 8:00 a.m. and 5:00 p.m. on weekdays.

B. Parking standards.

- (1) The number of off-street parking spaces in the DC-2 Zoning Use District shall be provided in accordance with § 301-231, Off-street parking.
- (2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to a twenty-percent reduction in off-street parking may be permitted for shared parking, where the peak parking of two or more uses occurs at different times.
- (3) The parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 301-231.
- (4) Off-street parking shall not be permitted in the front yard. Parking shall be sited to the rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from the front property line.
- (5) Parking may also be located fully below buildings, partially below grade in a building, or at grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.
- (6) Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than 30 feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.
- (7) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses or low shrubs for at least 15% of their land area. This landscaping requirement is in addition to the thirty-percent parcel-wide landscaping mentioned above.
- (8) In order to provide shade, parking lots with 21 or more spaces shall have "orchard" planting: one tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the edges.
- (9) In order to provide recharge of the groundwater basin and minimize runoff into water bodies, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:
 - (a) Where sanding and salting are not used in the winter, low-traffic or seasonal parking overflow areas of the parking lot shall be surfaced with porous pavement or gravel.
 - (b) Landscaped areas of the parking lot shall be sited, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.

ARTICLE XLIVA
Downtown Riverfront Overlay District
[Added 3-22-2023 by L.L. No. 3-2023]

§ 301-221.1. Findings; intent; purpose.

- A. Downtown Riverhead sits along the Peconic River and is comprised of a compact, diverse, mixed-use commercial/residential neighborhood that is the gateway to Long Island's East End tourist region. The downtown contains a concentration of commercial and residential uses and is in close proximity to other regional employment, tourism and commercial centers. The most unique feature of the downtown, and its most underutilized asset, is the Peconic River. Although Riverhead is the county seat of Suffolk County, the downtown riverfront district has suffered from years of decline, disinvestment, crime, and blight, causing a high vacancy rate approaching 50%, which was exacerbated by the COVID-19 pandemic. The downtown does not share in the relative prosperity of other East End communities and, in fact, residents and businesses struggle to make ends meet in a region where the cost of living is among the highest in the country.
- B. The northern portion of downtown contains a mix of cultural, commercial, office, residential and institutional uses. The northwest portion includes offices, the public library, a historical museum, single-family residences, small retail, and institutional uses such as the Suffolk County Court and parking for the railroad and courts. The northeast portion is predominantly developed with residential uses, and the downtown area includes restaurants, retail, offices, workforce and affordable apartments, the Suffolk County Community College Culinary Arts Center, as well as attractions such as Riverfront Park, Grangebel Park, Long Island Aquarium, Suffolk Theater and the Vail-Leavitt Music Hall. The surrounding land uses include the Long Island Railroad, Polish Town Civic Association's event pavilion, a railroad museum, Roanoke Avenue Elementary School, Riverhead Fire Department, the Polish Town business district, including restaurants and single- and two-family residences.
- C. The Town of Riverhead has spent years attempting to spark revitalization efforts and has completed many plans that analyze the specific problems and potential of Downtown Riverhead. For a variety of reasons, including the lack of funding and professional assistance required for implementation, the goals of these previous plans have not yet been fully realized. Town of Riverhead revitalization plans include:
 - (1) Town of Riverhead East Main Street Urban Renewal Area Plan (1993).
 - (2) The Analysis of the Opportunity for the Revitalization of the Main Street Corridor - Yeiser, Tkacik and Associates (1993).
 - (3) The Vision Plan for Downtown Riverhead - Gary Jacquemin, AIA (1995).
 - (4) Town of Riverhead Urban Renewal Plan Railroad Street Corridor (1997).
 - (5) The Revitalization Strategy for Downtown Riverhead - Abeles Phillips Preiss & Shapiro (2000).
 - (6) Town of Riverhead Comprehensive Plan - Abeles Phillips Preiss & Shapiro (2003).

- (7) Town of Riverhead East Main Street Urban Renewal Area Plan - AKRF (2008 update).
- (8) Peconic River/Route 25 Corridor Step II Brownfield Opportunity Area Nomination Study (BOA) - Nelson, Pope & Voorhis (2016).
- (9) Peconic River/Route 25 Corridor Step II Brownfield Opportunity Area Creative Placemaking Supplement (2016).
- (10) Riverhead Strategic Parking Plan - Sam Schwartz (January 2020).
- (11) Transit Oriented Development Plan for the Railroad Avenue Urban Renewal Area - Nelson, Pope & Voorhis (October 2020).
- (12) Downtown Riverhead Pattern Book - Urban Design Associates (January 2021).
- (13) Railroad Street TOD Development - Request for Qualifications - Nelson, Pope & Voorhis (March 2021).
- (14) Town Square Design - Public Participation Process - Urban Design Associates (Preliminary Analysis - July 2021).
- (15) Benefit Cost Analysis for Town Square and TOD - Dr. Martin R. Cantor, CPA (June 2021).
- (16) Army Corps of Engineers - Flood Plain Management Services Preliminary Analysis (July 2021).
- (17) Riverhead Town Square Market Analysis - Streetsense (August 2021).
- (18) Town of Riverhead Affordable Housing Demand Analysis Summary - AKRF (August 2021).

D. Although Downtown Riverhead has seen the beginnings of a new vibrancy in recent years with the new mixed-use commercial and affordable/workforce residential developments, construction of a world-class aquarium and Hyatt Conference Center and Hotel, the reopening of the Suffolk Theater, a healthy arts council, the new Preston House & Hotel and restaurant, as well as numerous popular restaurants and businesses, there are still blighted and underutilized properties flanking these improvements, along with many other obstacles to overcome to realize full revitalization. These challenges include a high rate of commercial vacancies 50% and abandoned properties; the need for improved pedestrian environment, including better public access and views to the Peconic River; parking issues; Peconic River/Estuary water quality; the need for wayfinding signage at gateways and throughout the downtown area; the need to overcome a negative image with a rebranding effort; homelessness; increasing crime; aggressive panhandling; retail sale of drug paraphernalia; loitering for the purpose of selling drugs; and interference with trash receptacles and fountains.

E. Consistent with the recommendations of the Town Square Discovery Process, in 2020, the Town purchased three buildings on Main Street to create a new Town Square to connect East Main Street to the riverfront area and to create a new public space for the community. The Town demolished two of the buildings to make way for the new square and engaged Urban

Design Associates to create a Downtown Riverfront Activation Plan, which plans for an activated, family-friendly riverfront. The plan includes the creation of the Town Square, which will serve as a public space and access to the Long Island Science Center and Planetarium, outdoor educational and environmental sculptures, a splash pad and adaptive playground for children of all abilities and an accessible river walk.

- F. In 2022, the Town was awarded a \$10,000,000 Downtown Revitalization Initiative (DRI) grant for the purpose of catalyzing the planned development of the Town Square, the Transit Oriented Development, the Long Island Science Center and the Suffolk Theater as a family-friendly tourist and community destination. These projects represent the collective public opinion and the determinations of the DRI Local Planning Committee, derived after numerous public engagement opportunities, of how Downtown Riverhead should be redeveloped and that its direction, particularly in light of the fact that there is an existing aquarium, science center and future planetarium, should be toward family-friendly activities.
- G. The current zoning use districts present in the downtown area allow for a number of uses that should be more specifically described and limited so that the uses that are permitted would not be inconsistent with the creation of a family-friendly downtown area as planned.
- H. Uses placed within this overlay district are those uses that will promote or enhance the development of a specific area of the downtown in response to the Comprehensive Plan goals and objectives and recommendations of specific area studies.
- I. The intent of the Downtown Riverfront Overlay District is to enhance implementation of the recommendations of the Comprehensive Master Plan and the Riverhead Downtown Pattern Book and the Downtown Riverfront District Activation Plan, promote waterfront development to enhance recreation and tourism, and manage land uses to develop the district as a civic area that is people-friendly with active uses, additional entertainment facilities and events, specialty retail and restaurants. The use, dimensions and other requirements for the underlying zoning use district shall apply, unless further restricted hereunder. Where there are conflicts between the regulations hereunder and those contained elsewhere in this chapter, the more restrictive shall apply.
- J. Accordingly, the Town Board has determined to create this specific overlay district that will enable specific site zoning and implementation of the Pattern Book design recommendations to be enumerated and applied. Such standards will promote the public welfare, will enhance the implementation of specific area studies, and will promote the goals and objectives of the Comprehensive Plan.

§ 301-221.2. Boundaries.

The boundaries of said overlay district are hereby established as shown on the map entitled the "Downtown Riverfront Overlay Map, Town of Riverhead, Suffolk County, New York," which map is hereby made a part of this chapter, and all notations, references and other things shown thereon shall be as much a part of this chapter as if fully described herein. This map is on file in the Town Clerk's office. Where uncertainty exists with respect to the boundaries of the aforesaid district as shown on the map, the following rules shall apply:

- A. Where the district boundaries are indicated as approximately following the center lines of

streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

- B. Where the district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where the district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimension shall be determined by the use of the scale shown on said map.
- D. Where the boundary of the district follows a railroad line, such boundary shall be deemed to be located midway between the main tract of said railroad line.
- E. Where the boundary of the district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Riverhead unless otherwise indicated.

§ 301-221.3. Uses.

No building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

- A. Permitted uses include those principal uses listed in the underlying zoning use district, unless specifically listed as a prohibited use below.
- B. Accessory uses include those accessory uses listed in the underlying zoning use district, unless specifically listed as a prohibited use below.
- C. Prohibited uses include the following:
 - (1) Those uses not principally or conditionally permitted in the underlying zoning use district.
 - (2) Fraternity, sorority houses and dormitories.
 - (3) Smoke shops and tobacco stores, including those selling smoke/vape paraphernalia.
 - (4) The public display of firearms, knives, and weapons.
 - (5) Any assembly, business or mercantile uses deemed to be adult entertainment establishments, as defined at § 301-3.
 - (6) Hospitals, surgical centers, convalescent and rest homes, rehabilitation facilities, clinics, urgent care centers, drug treatment centers.
 - (7) Pawnshops.
 - (8) Tattoo or body piercing parlors.

- (9) Convenience stores with fuel stations or without fuel centers.
- (10) Automobile rentals.
- (11) Automobile service stations, with or without fuel centers.
- (12) Automobile and truck repair stations, with or without fuel centers.
- (13) Car washes, self-service or automatic, with or without fuel centers.
- (14) Self-serve laundry and/or laundromats.
- (15) Storage yards or storage yards for delivery vehicles.
- (16) Residential Group (R-2), nontransient hotels and motels; R-2 being defined as occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including congregate living facilities (nontransient) with more than 16 occupants, boardinghouses (nontransient), convents, dormitories, fraternities and sororities, monasteries, hotels (nontransient), live/work units, motels (nontransient).
- (17) Motels.

ARTICLE XXXIA
Railroad Avenue Urban Renewal Area Overlay District
[Added 1-5-2021 by L.L. No. 1-2021]

§ 301-151.1. Purpose and intent.

- A. The intent of the Railroad Avenue Urban Renewal Area Overlay District ("RRA-OD") is to allow, maintain, and foster a traditional downtown character to complement the character of Main Street, with transit oriented development, a pedestrian-friendly streetscape, active ground-floor uses, meaningful public spaces and uses, a twenty-four-hour presence from upper-story residential at an intensity similar to that of the DC-1 Main Street District where feasible and at a scale that is suitable for the property size.
- B. The Town Board recognizes that although the adoption of the DC-1 District code provisions has resulted in investment in the downtown area, there has not been a comparable investment within the DC-3 District and even with the designation of an opportunity zone which defers and reduces taxes on capital gains in exchange for capital investment, redevelopment has not occurred. This overlay district is formed in recognition of the blighted conditions that exist in this area of the downtown and the unique obstacles which face the area and which have deterred redevelopment as documented in the 1990 Urban Renewal Plan, the 2003 Comprehensive Plan, and the 2015 Brownfield Opportunity Area Step II Nomination Study.
- C. The Town Board sees this as a unique opportunity for revitalization to build upon the success of the downtown and which will create important synergies with key resources including the Suffolk County Supreme Court Complex, LIRR Station, Riverhead Public Library, Railroad Museum and Riverhead Historic Society Museum. By permitting a higher-intensity mix of uses, with ground-floor offices and retail and residential on upper floors for larger sites within the area, the Town seeks to activate this area of the downtown that has not experienced significant investment since the implementation of zoning district recommended by the 2003 Comprehensive Plan.

§ 301-151.2. Applicability.

- A. This article shall be applicable to properties at least 20,000 square feet in size within the Railroad Avenue Urban Renewal Area. Utilization of the RRA-OD provisions is voluntary for applicants meeting the lot area threshold.
- B. The provisions of the overlay district provide an alternative option for landowners in development of properties of at least 20,000 square feet and provides means to achieve additional density through the provision of community benefits for properties over one acre.
- C. Developments within the RRA-OD may incorporate one or more adjoining properties outside of the overlay district boundary to provide related site amenities and limited building encroachments as long as the total area of such parcels do not increase the property by more than 50%.

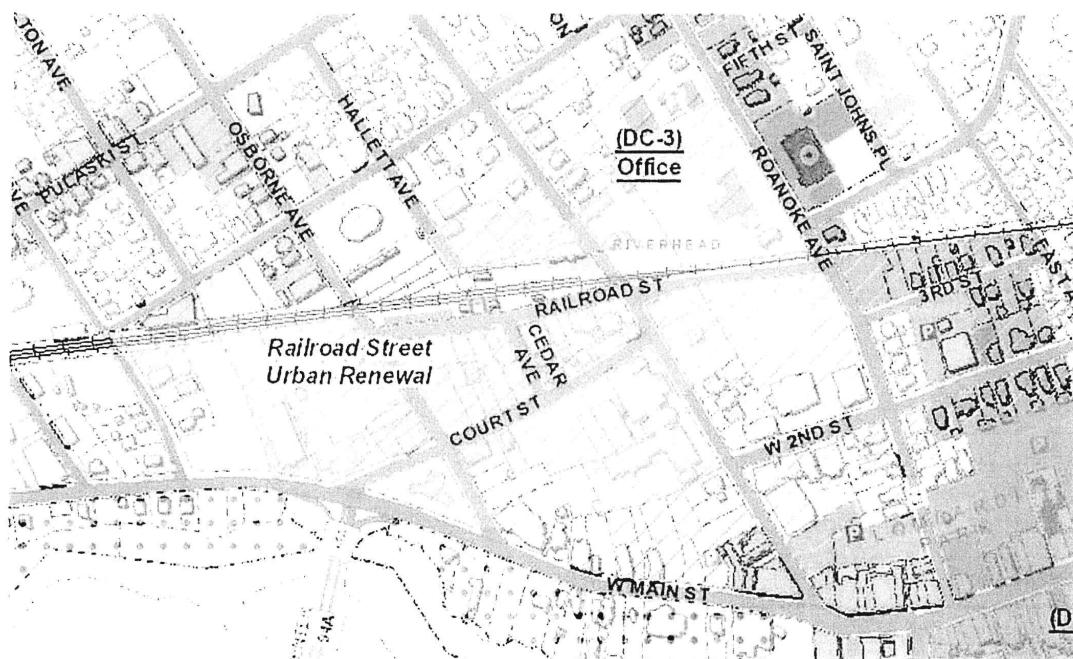
§ 301-151.3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FOOD HALL — An establishment which contains three or more individual businesses in an area where food can be served and diners can enjoy flexible seating, entertainment, with up to 20% of the businesses dedicated to retail. A food hall includes shared entry ways and common flexible space to provide area for dining or entertainment (indoor and/or outdoor), shared restrooms, dumpsters, and facilities such as HVAC, storage areas, and loading dock; and may include shared food prep facilities.

GRASS PAVERS — A product used to create a stabilized but pervious area for parking using a plastic grid system (or similar product) when installed according to manufacturer's instructions with stabilized base, allows grass to grow, protects roots and allows stormwater to recharge.

§ 301-151.4. Railroad Avenue Urban Renewal Area Overlay District map.



§ 301-151.5. Uses.

In the Railroad Avenue Urban Renewal Area Overlay District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following specially permitted uses and their customary accessory uses:

- A. Permitted uses through Town Board approval.
 - (1) Retail store.
 - (2) Banks.
 - (3) Personal services businesses, such as a beauty parlor, barber shop, health and fitness

center, tailor, shoe repair, custom cleaning services.

- (4) Indoor recreation up to 1,500 square feet.
- (5) Art galleries and studios.
- (6) Restaurants, cafes, bakeries with retail sales on premises, banquet facilities, ice cream parlors.
- (7) Marketplace including farmers market or food hall.
- (8) Taverns.
- (9) Offices and professional offices (excluding medical offices).
- (10) Governmental offices or other public offices.
- (11) Museums, libraries and other cultural attractions.
- (12) Schools (including business and secretarial).
- (13) Movie theater and multiplex cinema.
- (14) Mixed-use buildings (ground floor permitted uses with apartments on upper floors).
- (15) Live-work space .
- (16) Brew pubs and microbreweries.
- (17) Hotels, for properties at least 40,000 square feet in size.
- (18) Mixed use incorporating community use on the ground floor and mixed use on upper floors.

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above specially permitted uses when located on the same lot. Specifically permitted is the following accessory use:

- (1) Parking facilities.

C. Prohibited uses

- (1) Gas stations, car washes, and other automobile-oriented uses.
- (2) Drive-through windows for restaurants and banks less than 2,000 square feet in size.
- (3) Adult uses as defined § 301-3(4).
- (4) Flea markets, with the exception of farmers markets.

§ 301-151.6. Lot, yard, bulk and height requirements.

A. New buildings shall comply with the lot, yard, bulk, and height requirements of the Railroad Avenue Urban Renewal Area Schedule of Dimensional Regulations.

- B. The maximum height for building elements facing West Main Street, Court Street, Griffing Avenue, shall not exceed 60 feet measured horizontally from the property line.
- C. New development should be consistent with the recommendations of the Objective Design Standards for Private Development contained in the Downtown Riverhead Pattern Book, with the exception of maximum height which shall be dictated by Chapter 301, Attachment 11, RRA-OD Schedule of Dimensional Regulations.¹
- D. Exemptions .
 - (1) Bay windows, awnings, unenclosed porches, and other front and side projections shall be exempt from the calculation of building area, so as to encourage a variety in facade design. However, such projections shall be required to meet the setback requirements of the Railroad Avenue Urban Renewal Area Schedule of Dimensional Regulations.

§ 301-151.7. Community benefits.

- A. The Town Board has identified appropriate community benefits by which the applicants that opt into the RRA-OD may increase density on site through parking reductions, additional gross floor area and/or increased height/number of stories as described in Table XX. The maximum FAR with the provision of community benefits is 3.0

Table XX
RRA-OD Community Benefits

Community Benefit Category	Type/Maximum Density Increase/ Parking Reduction	Requirement
Parking	20% total reduction in required off street parking requirement	Shared parking for complementary uses. Requires design and implementation of cross access. Certification that the peak parking of two or more uses occurs at different times provided by a licensed traffic engineer. Does not apply to municipally owned sites
Parking	No off-street parking required for nonresidential uses	Properties which opt into the Parking District through petition to the Town Board, where public parking lots within the Parking District are located within 1/4 mile of at least one of the main building entrances

1. **Editor's Note:** Said schedule is included as an attachment to this chapter.

Table XX
RRA-OD Community Benefits

Community Benefit Category	Type/Maximum Density Increase/ Parking Reduction	Requirement	
Parking	Parking reduction for the number of stalls "parked" off-site	Parking management strategy demonstrating how parking needs will be met off-site	
Parking	Reduction of up to 3 parking stalls for area to be used for green infrastructure	Construction and maintenance of a rain garden or bioswale designed to collect rain water of 200 square feet per parking stall reduction	
Promoting multimodal transportation	5% reduction in required off street parking requirement	Provision of interior bicycle storage lockers for 1/2 of proposed residential units	
Recreation	Increase in the allowable gross floor area equivalent to the area of the dedicated park area minus 10%	Purchase of offsite Peconic River waterfront land within 1/2 mile of the subject property provided that it meets the criteria below:	
		(1) Such riverfront property is to be used in a passive manner whether dedicated to the Town, conservation group, or maintained privately	
		(2) The property must remain accessible to the public in a parklike setting for the community (which may include outdoor art installation)	
		(3) No structures other than a structure that is accessory to the use of the park/garden/art installation which does not exceed 10% of the site area or 1,200 square feet, whichever is smaller	
		(4) Covenants and restrictions be required to ensure that the riverfront property is maintained as a publicly accessible passive use park or similar in perpetuity'	

Table XX
RRA-OD Community Benefits

Community Benefit Category	Type/Maximum Density Increase/ Parking Reduction	Requirement
Open space or farmland preservation	3,000 square feet floor area per 1 TDR credit purchased	Purchase of up to 5 TDR credits (maximum of 5 credits per project)
Sustainability elements	Additional 200 square feet gross floor area for each 100 SF improved	Design and implementation of green infrastructure for drainage (rain gardens) on- or off-site
Sustainability elements	Additional 50 square feet gross floor area for each 1,000 square feet of green roof area	Green roof
Sustainability elements	.25 increase in FAR for gold or platinum LEED certification	USGBC Certified LEED buildings
Recreation	Additional 10% gross floor area for each 200 linear feet of easement dedicated	Provision of public easement along the Peconic River (either through purchase or agreement with property owner)
Recreation	Additional 5% gross floor area for each 200 linear feet of easement improved for public access	Improvement of public easement for public access to the riverfront
Recreation/visual resources	5% increase in gross floor area per 0.5-acre property improved	Permitting and implementation of physical improvements of private or public riverfront property to enhance public views of the Peconic River, incorporate green infrastructure and accessible pedestrian improvements through implementation of a boardwalk or path

B. Additional community benefits available for properties over 60,000 square feet.

- (1) Increased height and gross floor area may be provided with approval from the Town Board for development on properties over 60,000 square feet in size with the provision

of community benefits.

(2) Properties over 60,000 square feet in size may achieve parking reductions and increased density through community benefits outlined in the previous section and additional density increases as provided in Table XX. The maximum additional floor area achieved for properties over 60,000 square feet through the application of community benefits is a floor area ratio of 3.0.

Table XX
Additional Community Benefits Available for Properties Over 60,000 Square Feet

Community Benefit Category	Type/Maximum Density Increase	Requirement
Museum, performing arts	Increase in maximum building height for mixed use building at discretion of the Town Board (at a height less than defined as a high rise building per NYS Building Code).	Commitment to maintenance of the museum or other arts attraction which is accessible to the public for a reasonable period, but not less than 20 years.
Open space or farmland preservation	3,000 square feet area floor area per 1 TDR credit purchased	Purchase of up to 10 TDR credits (maximum of 10 credits per project)

§ 301-151.8. Design standards.

- A. The principal building entrance and front shall face the primary street frontage and sidewalk. For corner lots, both facades shall be coordinated and if necessary, the principal building entrance shall be designated by the Planning Board.
- B. Facades of commercial buildings that face sidewalks or pedestrian walkways shall be broken up into bays of no more than 30 feet in width, through use of variations in facade plane, piers, or other architectural features complementary to the building style .
- C. Signage in the Railroad Avenue Urban Renewal Area Overlay District shall be provided in accordance with Article XLVIII, Signs. All signs permitted in the Downtown Center (DC-3) District are permitted as set forth in § 301-254 1.
- D. Buffering and transitions.
 - (1) Trash and/or dumpster areas shall be screened by wood fences, equivalent no-maintenance fence materials that appear to be wood, landscaping, or a combination thereof, pursuant to § 245-8.
 - (2) Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses and maintained as a condition of approval.

E. Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

§ 301-151.9. Design guidelines.

A. The design guidelines listed in the provisions below are intended as a guide for improvements on participating developments on parcels within this overlay district.

- (1) Where feasible, openings or gates shall be incorporated into fencing between private and public properties to encourage pedestrian activity.
- (2) The intent is to create buildings that are lasting and that each building adds to the revitalization of the urban renewal area. Accordingly, high quality materials are required (e.g., brick, granite, or other masonry matter, including architectural block or architectural precast concrete). Painted or natural utility concrete panels or masonry units, if used at all, must be confined to rear elevations and in loading dock areas and not visible from the public right-of-way, or other public gathering spaces .

§ 301-151.10. Development standards.

The development standards contained herein are required for parcels being redeveloped in accordance with this article or relief from the Zoning Board of Appeals is required.

A. Pedestrian environment.

- (1) Sidewalks at least six feet in width shall be constructed to achieve a walkable environment.
- (2) Walkway pavement shall be a minimum of six feet wide and include pedestrian scale lighting at a height of 12 feet or less, spaced no further apart than 50 feet on center.

B. Public space .

- (1) Public space, including alleys between buildings and walkways between building entrances and adjacent public properties shall be consistent with the objective design standards for private development contained in the Riverhead Downtown Pattern Book.
- (2) All properties greater than 60,000 square feet shall incorporate activated public areas on the ground level .

C. Parking.

- (1) The number of off-street parking spaces in the Railroad Avenue Urban Renewal Area Overlay District shall be provided in accordance with§ 301-231, with the exception that off-street parking requirements for residential use shall be calculated in accordance with Table XX as recommended by the 2020 Riverhead Strategic Parking Plan and any Payment in Lieu of Parking requirement that may be adopted by the Town Board as also recommended by the 2020 Riverhead Strategic Parking Plan

Table XX
RRA-OD Required Parking for Residential Development

Use	Minimum Parking Stalls Per Unit	Maximum Parking Stalls per unit
Studio/1-bedroom	0.50	1.00
2-bedroom	1.00	1.25

(2) Off-street parking design.

- (a) Off-street parking shall not be permitted in the front yard.
- (b) Parking shall be sited to the rear of buildings, away from street frontages when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from the front property line.
- (c) Parking may also be located fully below buildings, partially below grade in a building, or at grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard unless no other alternative exists. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens. Where parking is provided on the ground floor, liner stores, which may consist of commercial uses or accessory uses/amenities to multifamily developments are required along the public streets. For block developments which front on more than one street, the requirement for liner stores shall apply along all but one of the streets. Access to parking for block developments shall be at the discretion of the approving agency.
- (d) Curb cuts to parking lots shall be minimized by sharing driveways for access to adjacent parking lots.
- (e) In order to provide shade, parking lots with 21 or more spaces shall have "orchard" planting: one tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot and along the perimeter.
- (f) Where parking lots cannot be located entirely in a rear yard, a vegetated buffer of at least five feet in width shall be provided.
- (g) To soften the appearance of parking lots and reduce the heat island effect, 10% of parking lot area shall consist of landscaped islands.
- (h) In order to provide area for stormwater recharge, at least one of the following management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:
 - [1] Where sanding and salting are not used in the winter, low-traffic or seasonal parking overflow areas of the parking lot shall be surfaced with porous pavement, grass pave, or gravel.

[2] Landscaped areas of parking lots shall be planted, situated and graded in a manner to provide infiltration and detention of runoff from paved areas.

§ 301-151.11. Compliance with the State Environmental Quality Review Act

A. The adoption of this article was analyzed pursuant to the State Environmental Quality Review Act through the preparation of a full environmental assessment form and analysis of development under a theoretical build condition scenario for properties within the RRA-OD meeting the minimum area requirements and which were considered more likely candidates for redevelopment. A traffic impact analysis was conducted to supplement the analysis completed for the Brownfield Opportunity Area Step II Nominations Study in 2015 to assess the impact of redevelopment within the RRA-OD on the intersections where an impact was anticipated under the full build out identified by the BOA, specifically the intersections of Center Street/Court Street at West Main and at Roanoke and Peconic Avenues at Main Street.

B. The negative declaration adopted by the Town Board was supported by a SEQR analysis which evaluated redevelopment of the following parcels applying the base GFA permitted under the code without the application of community benefits to increase density.

-	0600128000200010000	-	0600128000300009000
-	0600128000200014001	-	0600128000300010000
-	0600128000200015000	-	0600128000300011000
-	0600128000200021001	-	0600128000300012001
-	0600128000200022000	-	0600128000300012002
-	0600128000300001000	-	0600128000300012003
-	0600128000300002000	-	0600128000300013000
-	0600128000300003000	-	0600128000300014000
-	0600128000300004000	-	0600128000300015000
-	0600128000300005000	-	0600128000300017001
-	0600128000300006000	-	0600128000300018000
-	0600128000300007000	-	0600128000300019000
-	0600128000300008000	-	0600128000300020000

C. The SEQR documents are on file with the Town Building Department for reference . Any applications that are consistent with the thresholds utilized in evaluation of the adoption of the Overlay District shall benefit from the adopted negative declaration.

D. Projects which exceed the base thresholds for redevelopment within the RRA-OD and/or provide community benefits to increase density will be required to prepare a Full Environmental Assessment Form and a SEQR review will be conducted by the Town. Dependent upon the increase in traffic volume in comparison to the volumes evaluated for adoption of this article, a traffic impact study may be required to evaluate the need for traffic mitigation (which may include installation of a traffic signal, modified traffic signal timing,

or lane reconfigurations/restriping) if demonstrated to improve level of service at area intersections.

Downtown Riverfront Overlay District

<u>Code Name</u>	<u>Section</u>	<u>Penalty</u>
Zero Tolerance Zone	297	FINES DOUBLED re: 207, Art. I Dogs & Dom Animals 213 Bicycles 245, Art. I Littering 245, Art. II Graffiti 247 Loitering 251, Art. I 257, Art I Peddling & Soliciting
Personal Conduct within the Zero Tolerance Zone	297-5B Aggressive Solicitation 297-5C Obstruction of Pedestrian Traffic 297-5D Obstruction of Vehicular Traffic 297-5E Sitting, Lying or Sleeping on Sidewalks 297-5F Loitering for Drugs and/or Prostitution 297-5G Smoking or Vaping 297-5H Lewd Acts 297-5 I Trash Can Interference and/or Rummaging	\$0-\$250 AND/OR imprisonment 15 days