

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 11 2003

~~County~~

~~City~~ of Riverhead

~~Town~~

~~Village~~

Local Law No. #14 of the year 2003

MISCELLANEOUS
& STATE RECORDS

A local law AMENDING CHAPTER 108 ENTITLED "ZONING" OF THE
(Insert Title)
RIVERHEAD TOWN CODE.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of Riverhead

~~Town~~

~~Village~~

as follows:

SEE attached Text:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. # 14 of 2003 of the (County)(City)(Town)(Village) of Riverhead was duly passed by the Town Board on August 5, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the on 20. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved)(repassed after disapproval) by the on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Barbara Heaton

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: August 7, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Tom A. Horney

Signature

Tom A. Horney

Title

County
~~City~~ of Riverhead
Town
~~Village~~

Date: August 7, 2003

LOCAL LAW NO. 14- 2003

A LOCAL LAW amending Chapter 108 of the Code of the Town of Riverhead entitled: "Zoning"

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

ARTICLE X, Business D District (General Business)
§ 108-42. Uses.

In the Business D District (General Business), 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, special exception or special permit uses and their customary accessory uses:

A. Permitted uses.

- (1) Bakery, ice cream or confectionery shop where products are made and sold at retail on the premises.
- (2) Bank, financial institution.
- (3) Bus passenger shelter.
- (4) Community center.
- (5) Funeral home; mortuary or undertaking establishment.
- (6) Marina, resort; marina, general.
- (7) Motor vehicle, new and used car sales lots and boat salesrooms; motor vehicle and boat repair facilities operated in connection with motor vehicle and boat salesrooms where all automobile and boat parts, dismantled vehicles and boats and similar articles are stored within a building.
- (8) Used motor vehicle and boat sales lots on which there are vehicles and boats for sale which are in registerable condition according to rules and regulations of the State of New York Motor Vehicle Department and comparable governmental agencies for which boats are in seaworthy condition.
- (9) (Reserved)EN
- (10) Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations.
- (11) Park, playground.
- (12) Personal service shop, such as barbershop, beauty parlor, professional

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**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law repealing and replacing Chapter 108 entitled, "Zoning" of the Riverhead Town Code at a regular Town Board meeting held on August 5, 2003 as follows:

LOCAL LAW NO. # 14 - 2003

A LOCAL LAW amending Chapter 108 of the Code of the Town of Riverhead entitled: "Zoning"

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

ARTICLE X, Business D District (General Business)
§ 108-42. Uses.

In the Business D District (General Business), 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, special exception or special permit uses and their customary accessory uses:

A. Permitted uses.

- (1) Bakery, ice cream or confectionery shop where products are made and sold at retail on the premises.
- (2) Bank, financial institution.
- (3) Bus passenger shelter.
- (4) Community center.
- (5) Funeral home; mortuary or undertaking establishment.
- (6) Marina, resort; marina, general.
- (7) Motor vehicle, new and used car sales lots and boat salesrooms; motor vehicle and boat repair facilities operated in connection with motor vehicle and boat salesrooms where all automobile and boat parts, dismantled vehicles and boats and similar articles are stored within a building.
- (8) Used motor vehicle and boat sales lots on which there are vehicles and boats for sale which are in registerable condition according to rules and regulations of the State of New York Motor Vehicle Department and comparable governmental agencies for which boats are in seaworthy condition.
- (9) (Reserved)EN
- (10) Offices or meeting rooms of philanthropic, fraternal, social, educational or membership organizations.
- (11) Park, playground.
- (12) Personal service shop, such as barbershop, beauty parlor, professional

studio, travel agency or similar shop, and, provided the total floor area is less than 4,000 square feet, dry-cleaning or laundry service.

(13) Radio or television broadcasting studio.

(14) Restaurant, except that a drive-in restaurant shall be permitted only by special permit of the Town Board.

(15) Retail store or shop.

(16) Shop for custom work and for making articles to be sold at retail on the premises.

(17) Theater, indoor.

(18) Business and secretarial schools.

(19) Residential apartment units with a minimum living space of 800 square feet. [Added 6-18-2002 by L.L. No. 21-2002]

B. Special permit uses. [Amended 5-7-2002 by L.L. No. 15-2002; 10-1-2002 by L.L. No. 30-2002]

(1) Gasoline service station, by special permit of the Town Board.

(2) Hotels, by special permit of the Town Board.

(3) Single-family residences, by special permit of the Town Board.

(4) Billiard parlor, by special permit of the Town Board.

(5) Tavern, by special permit of the Town Board.

(6) Any other recreational use, by special permit of the Town Board.

(7) Day-care center or nursery school, by special permit of the Town Board.

(8) Bed-and-breakfast, by special permit of the Town Board.

(9) Office; business, professional, utility, by special permit of the Town Board.

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

(1) Customary accessory uses, buildings or structures incidental to any of the permitted uses.

(2) Private garages or off-street parking and truck loading areas.

(3) A game center, except as to a dwelling.

(4) A game room as an accessory use to a tavern only.

D. Prohibited uses. Prohibited uses shall include:

(1) Flea markets.

§ 108-43. General lot, yard and height requirements. [Amended 7-3-1979]

A. No building shall be erected nor shall any lot or land area be utilized unless in conformity with the Zoning 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. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard

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requirements of the Agriculture A District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of the Agriculture A District of this chapter.

§ 108-44. Additional requirements for special permit uses.

A. Gasoline service station.

(1) A gasoline service station may not be erected within a radius of 1 / 2 mile from any existing gasoline service station, measured between the principal buildings, and may not be erected within a radius of 500 feet from a residence use district.

(2) There must be filed with all applications for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within a radius of 1,000 feet from the proposed site as measured from the line of the property which is the subject of the application, which affidavit shall set forth proof of service by certified mail, return receipt requested, of notice of public hearing on the application having been sent to all such property owners not less than 30 days prior to the hearing. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board; a description of the proposed site, together with a map thereof; a description of the proposed type of operation; the names and addresses of the applicants and all persons having an interest in said premises; and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein.

(3) Any permit granted shall be conditioned upon the lot's being used for retail sale of motor fuels, lubricants and other motor vehicle supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work being performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies; and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit, and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations. [Amended 10-1-2002 by L.L. No. 30-2002]

§ 108-44.1. Review of site plan. [Added 5-16-1978; amended 6-18-2002 by L.L. No. 22-2002]

Before issuing a building permit, each application, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter.

§§ 108-44.2 through 108-44.4. (Reserved)

ARTICLE XI, Industrial A District (Light Industry)

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§ 108-45. Uses.

In the Industrial A District (Light Industry), 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 two of the following permitted uses, special exception or special permit uses and their customary accessory uses:

A. Permitted uses.

- (1) Agriculture.
- (2) Assembly hall.
- (3) (Reserved)EN
- (4) Bottling works.
- (5) Building trade shops.
- (6) Cold storage plant.
- (7) Farms.
- (8) Greenhouse, plant nursery and garden.
- (9) Ice cream manufacture.
- (10) Marina.
- (11) Motor vehicle, mobile home, trailer or boat sales or rental.
- (12) Newspaper offices; job printing establishment.
- (13) Offices.
- (14) (Reserved)EN
- (15) Poultry processing plant.
- (16) Repair shops for household and/or personal appliances.
- (17) (Reserved)EN
- (18) Telephone exchange.
- (19) Trucking station.
- (20) Vegetable and fruit processing.
- (21) Vehicle repair.
- (22) Vocational school.
- (23) Warehouse.

B. Special permit uses.

- (1) Airport, when authorized by special permit of the Town Board.
- (2) Sports arena, when authorized by special permit of the Town Board.
- (3) Hotels, when authorized by special permit of the Town Board.
- (4) Restaurant, by special permit of the Town Board.
- (5) Nonnuisance industry, by special permit of the Town Board, except that sand mining as defined in the Environmental Conservation law is a prohibited use under this district.
- (6) Wholesale business (nonnuisance), by special permit of the Town Board.
- (7) Dog and horse training, to include but not be limited to care, grooming, exercising, schooling and exhibiting, by special permit of the Town Board.
- (8) Camps of Types 1, 3, 4, 5 and 6, by special permit of the Town Board. All

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Type 2 camp applications filed with the Town Board prior to December 5, 1972, may be considered by the Town Board pursuant to the special permit provisions of this chapter and, if granted, they are hereby deemed permitted and conforming.

(9) (Reserved)

(10) Tavern, by special permit of the Town Board.

(11) Outdoor theater, golf driving range, archery, outdoor swimming pool and similar outdoor recreational uses, by special permit of the Town Board.

(12) Lumberyard, by special permit of the Town Board.

(13) National cemetery, by special permit of the Town Board.

(14) Any other recreational use, by special permit of the Town Board.

(15) Body and fender repair shop, by special permit of the Town Board.

(16) Motor vehicle repair shop, by special permit of the Town Board.

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

(1) Customary accessory uses, buildings or structures incidental to any of the permitted uses.

(2) Private garages or off-street parking and truck loading areas.

§ 108-46. General lot, yard and height requirements.

A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule EN 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. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of Agriculture A District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of Agriculture A District of this chapter.

§ 108-47. Additional requirements.

A. Gasoline service station.

(1) A gasoline service station may not be erected within a radius of 1/2 mile from any existing gasoline service station, measured between the principal buildings, and may not be erected within a radius of 500 feet from a residence use district.

(2) There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within a radius of 1,000 feet from the proposed site as measured from the line of the property which is the subject of the application, which affidavit shall set forth proof of service by certified mail, return receipt requested, of notice of public hearing on the application having been sent to all such property owners

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not less than 30 days prior to the hearing. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board; a description of the proposed site, together with a map thereof; a description of the proposed type of operation; the names and addresses of the applicants and all persons having an interest in the said premises; and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein.

(3) Any permit granted shall be conditioned upon the lot's being used for retail sale of motor fuels, lubricants and other motor vehicle supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work being performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies; and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit, and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continued violations. [Amended 10-1-2002 by L.L. No. 30-2002] § 108-47.1. Review of site plan. [Added 5-16-1978; amended 6-20-1978; 6-18-2002 by L.L. No. 22-2002]

Before issuing a building permit, each application, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter.