

ARTICLE LV Business CR Zoning Use District (Rural Neighborhood Business) [Added 10-21-2004 by L.L. No. 44-2004]

§ 108-293. Purpose and intent.

The intent of the Business CR Zoning Use District is to allow for the development of small clusters of shops, including eating and drinking establishments and professional offices, geared primarily toward providing daily services to residents in the adjacent residential areas. The scale and design of new development in this district are intended to complement the rural character of the Town and preserve and enhance natural open space areas and habitat. Where lot sizes and depths permit, development is intended to be clustered in a campus-style pattern.

§ 108-294. Uses.

In the Business CR 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) Retail stores.
- (2) Specialty food stores, wine shops and bakeries with retail sales on premises.
- (3) Personal services.
- (4) Restaurants, cafes, and ice cream parlors.
- (5) Professional offices.
- (6) Professional studios and performing arts studios.
- (7) Public libraries.
- (8) Museums.
- (9) Schools.

B. Special permit uses:

- (1) Bed-and-breakfast establishments.
- (2) Day-care centers or nursery schools.
- (3) Country inns.

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 included is the following: **[Amended 7-6-2005 by L.L. No. 17-2005]**

- (1) Drive-through windows for pharmacies and banks.

D. Prohibited uses:

- (1) Retail stores with a floor area exceeding 10,000 square feet.
- (2) Drive-through windows serving restaurants. **[Amended 7-6-2005 by L.L. No. 17-2005]**
- (3) Car washes.
- (4) An automobile sales lot; motor vehicle salesroom; public or private garage; or storage warehouse or wholesale establishment.
- (5) Any vending machine or amusement device located outside of any structure, This prohibition does not apply to electronic funds-transfer-facility substations.

- (6) Any display, storage or sale of goods, wares or merchandise outside of any structure in any area other than that indicated for such outdoor display, storage or sale on an approved site plan. Such display, storage or sale areas shall not encroach on any landscaped areas, parking areas or areas intended for customer access.
- (7) Flea markets.
- (8) Rolling or sliding security-type grilles and doors.

§ 108-295. Lot, yard, bulk and height requirements.

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule 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. *Editor's Note: This Zoning Schedule is included at the end of this chapter.*

§ 108-296. Supplementary requirements.

The following design and parking standards shall apply:

A. Design standards.

- (1) For all parcels three acres or greater in area, the proposed floor area shall be distributed into a minimum of four buildings.
- (2) For all parcels, the front yard shall be landscaped, except for areas devoted to walkways and an optional limited amount of parking. Parking is allowed in the front yard only as follows:
 - (a) No more than 20% of the parking supply may be provided in front and street-facing side yards combined; see Subsection B(4) below for more information.
 - (b) Only one row of parking is allowed in front yards, with a paved area not to exceed 40 feet in depth, measured perpendicular to the front street.
 - (c) To mitigate the appearance of any parking in the front yards, any front yard parking areas shall be set back at least 30 feet within landscaped front yards.
- (3) For corner parcels, the street-facing side yard shall be landscaped, except for areas devoted to walkways and an optional limited amount of parking. Parking is allowed in street-facing side yards only as follows:
 - (a) No more than 20% of the parking supply may be provided in front and street-facing side yards combined; see Subsection B(4) below for more information.
 - (b) Only one row of parking is allowed in street-facing side yards, with a paved area not to exceed 40 feet in depth, measured perpendicular to the side street.
 - (c) To mitigate the appearance of any parking in street-facing side yards, parking areas shall be set back at least 15 feet within landscaped side yards.
- (4) The central organizing element for buildings in the Business CR Zoning Use District shall be one or more "central squares," such as greens, plazas, or courtyards:
 - (a) Such central squares shall open towards, and be visible from, front streets and any adjoining side streets.
 - (b) Such central squares shall measure at least 30 feet by 50 feet.
 - (c) The open space(s) provided by central squares shall be outside of and in addition to the required front and side yards.

- (d) Central squares shall include landscaping, plantings, decorative pavers, seating, outdoor eating areas, shade elements, and other features so as to create attractive public spaces that serve as amenities for shoppers and nearby residents.
- (5) No structures are allowed within front, side, or rear yards.
- (6) Buildings shall be arranged along one, two, or three sides of the central squares, and their main entries shall face these spaces.
- (7) Secondary building entries may be provided from rear parking areas; however, such entries shall not remove the need for a front entrance facing the central square.
- (8) In no case shall the rear of buildings face a public street, and in no case shall the front of a building face a rear service access road or a side driveway.
- (9) Where the Town Official Map indicates a service access road, a fifty-foot-wide easement shall be provided within the rear yard for construction of an access road.
- (10) Building design and landscaping shall serve to reinforce and announce the main pedestrian building entrances.
- (11) Development shall provide walkways for safe and convenient pedestrian access to storefront entries from all parking areas and public sidewalks and, where possible, to link storefronts to adjacent residential areas.
- (12) Building placement shall, wherever possible, minimize walking distances from rear parking areas to front building entries; for example, by breaking large buildings into smaller units of less than 200 feet in width, interspersed with walkways.
 - (a) Breaks between buildings where automobile access is not necessary shall provide for safe and attractive pedestrian walkways and shall be at least 15 feet wide.
 - (b) Breaks between buildings where automobile or truck access is necessary (such as to rear parking lot access roads or driveways) shall provide a combined roadway and sidewalk of at least 30 feet in width, including one eight-foot-wide sidewalk.
- (13) Facades of commercial buildings that face streets, central squares, 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.
- (14) At least 50% of the linear width of facades facing streets or pedestrian pathways shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 20% by opaque banners, or either permanent or temporary advertisements or signs. In no case shall blank walls face a public street.
- (15) The exteriors of buildings in the Business CR District shall utilize natural cladding materials such as wood, brick, stucco, stone or a combination of such materials. The use of synthetic, metallic, and reflective materials should be avoided.
- (16) Signs shall be provided in accordance with § 108-56, the Signage Ordinance.
- (17) Buffering and transitions.
 - (a) Trash/dumpster areas shall be screened by wood fences or landscaping, or a combination thereof, pursuant to § 98-8.
 - (b) Front yards, street-facing side yards, and rear yards shall be landscaped or maintained as natural open space. To the extent possible, existing woodlands, stands of or individual trees, and other unique, indigenous, or significant vegetation within such setbacks should be protected.
 - (c) Buffer landscaping shall be provided between commercial uses and adjoining residential uses or zones. Such plantings shall include canopy trees and evergreens that may reach a mature height of not less than the commercial

structures, and planted in sufficient quantity to screen views of the commercial structures from residential areas. However, buffer landscaping shall not interfere with the potential for pedestrian access from residential areas to the commercial businesses.

B. Parking standards.

- (1) The number of off-street parking spaces in the Business CR Zoning Use District shall be provided in accordance with § 108-60, the Riverhead Parking Schedule.
- (2) Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to 20% 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) Parking requirement may be reduced with payment of a fee or land dedication in lieu of providing off-street parking as provided for in § 108-60.
- (4) No more than 20% of the required parking supply may be provided in front and street-facing side yards. Any parking in front or street-facing side yards shall be sited within the rear portion of said yard, behind landscaping. The remaining 80% or more of the parking supply shall be sited to the rear or side of buildings, adjacent to interior lot lines or access driveways, and away from front and side street frontages.
- (5) Curb cuts shall be limited to one curb cut every 400 linear feet on public front and side streets. Driveway entrances to adjacent parking lots shall be shared and consolidated.
- (6) Curb cuts, driveways, and garages shall meet the following dimensional regulations:
 - (a) Curb cuts and driveways at the front property line leading to parking areas of 10 or fewer spaces shall not exceed 10 feet in width along any point.
 - (b) Curb cuts and driveways at the front property line leading to parking areas of 11 or more spaces shall not exceed 14 feet in width at any point.
- (7) Shared parking lots with cross-access agreements are encouraged so as to allow drivers to park in one lot and walk to other businesses without moving their cars, or to drive from one lot to another without returning to the street.
- (8) In order to soften the appearance of parking lots, parking lots shall be landscaped with groundcover, grasses, or low shrubs for at least 15% of their land area.
- (9) Parking lots with 21 or more spaces shall have "orchard" planting for shade: one tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot, rather than clustered only along the edges.
- (10) In order to provide recharge of the groundwater basin and minimize runoff, 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) Entire parking areas shall be surfaced with gravel, rather than pavement.
 - (b) 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.
 - (c) 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.
- (11) Large areas of surface parking shall be broken up by landscaped walkways connecting sidewalks and parking areas to business entrances, in order to create "parking fields" of no more than 250 spaces each.

C. Additional requirements.

- (1) Hours of operation of retail business establishments. As used herein, a "retail business establishment" shall mean and include a retail store or shop or other business

establishment in which goods, wares, foods, commodities, articles or products are sold at retail, except that a "retail business establishment" shall not be construed to include any business establishment licensed to sell alcoholic beverages at retail for on-premises consumption. No retail business establishment shall remain open for business during the five-hour period between 12:00 midnight and 5:00 a.m. Every retail business establishment shall be closed to the public during the aforementioned five-hour period, and business with the public therein is prohibited after the hour of 12:00 midnight and before the hour of 5:00 a.m. of every day.