

**Article ---, Residence A-40 Zoning Use District**

**§ 108-1. Purpose and intent.**

The intent of the Residence A-40 (RA-40) Zoning Use District is to allow medium density residential development and medium to high density development provided through the Transfer of Development Rights (TDR) pursuant to Article XXXXVI of this chapter or the construction of workforce housing pursuant to guidelines on file and administered by the Town of Riverhead Community Development Agency.

**§ 108-2. Uses.**

In the RA-40 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) Dwelling, one-family.
- (2) Parks and playgrounds, non-commercial.
- (3) Attached single family dwelling units.

B. Specially permitted uses, by special permit of the Town Board.

- (1) Dwelling, two-family, with transferred development rights.
- (2) Overhead electrical power transmission and distribution lines in excess of 13 kilovolts.
- (3) Day care facility conducted in a residence.
- (4) Nursery school conducted in a residence.

**Article ---, Residence A-40 Zoning Use District, Resolution # 494A**

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 is the following:

- (1) Home occupations or professions conducted within the dwelling by the residents thereof or in a building accessory thereto.

**§ 108-3. Accessory buildings and structures.**

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
  - a. In a front yard.
  - b. In a side yard unless the accessory building is fifty (50) feet from a side street line, twenty (20) feet from a property line and ten (10) feet from any other building.
  - c. In a rear yard unless the accessory building is twenty (20) feet from a property line, ten (10) feet from any other building and fifty (50) feet from a side street line and rear street line.
  - d. One (1) accessory building with a maximum floor area of one hundred (100) square feet or less, a maximum height of twelve (12) feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five (5) feet from a property line, ten (10) feet from any other building and fifty (50) feet from a side street line and rear street line.
- (2) Excepted from Subsection A(1)(a), (b) and (c) of this section are fences not exceeding four (4) feet in height which may be erected on the lot lines of the front yard or any existing street line of a one-family dwelling, and fences not exceeding six (6) feet in height which may be erected on other lot lines of a one-family dwelling. Fences on a corner lot must comply

**Article ---, Residence A-40 Zoning Use District, Resolution # 494A**

with § 108-68. On lots used for other than one-family dwellings, wire strand or open woven wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street.

B. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed or altered in conformity to the requirements hereof for a main building.

**§ 108-4. Living Area.**

No dwelling shall be erected unless provisions shall be made therein as follows:

A. For a single-family dwelling, exclusive of attached garages, carports, unenclosed porches and breezeways, there shall be provided not less than one thousand two hundred (1,200) square feet of living area.

**§ 108-5. General 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 article 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.

**§ 108-6. Nonconforming lots**

With the exception of lots improved prior to the enactment of zoning within the Town of Riverhead, a lot held in single and separate ownership and having legal improvements upon it at the effective date of this Article shall not be considered “nonconforming” pursuant to §108-51 as to lot area and setback requirements. Such improved properties shall be entitled to maintain the existing lot areas and setbacks that were required at the time the structure were issued Certificates of Occupancy. To preclude an unintended merger of nonconforming lots due to the zoning changes adopted herein, a twelve month

**Article ---, Residence A-40 Zoning Use District, Resolution # 494A**

“grace period” commencing with the effective date of this local law shall be imposed to provide those whose lots would merge by operation of law the opportunity to “checkerboard” the ownership of their lots to preclude the merger.