

ARTICLE XLII Adult Use District [Added 8-3-1999 by L.L. No. 9-1999]

§ 108-222. Uses allowable as special exception; findings; intent.

- A. Adult uses shall be allowable in any industrial district only as a special exception by the Town Board.
- B. Purposes and considerations.
 - (1) In the execution of this article, it is recognized that there are some uses which, due to their very nature, have, serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
 - (2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Riverhead.
 - (3) These special regulations are itemized in the article to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

§ 108-223. Definitions.

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

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN THEATER — A drive-in theater that customarily presents motion pictures that is not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments and which establishments are customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL — A motel which is not open to the public generally but excludes minors by reason of age or which makes available to its patrons in their rooms films, slide shows or videotapes which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT TATTOO PARLOR — An establishment having as a substantial or significant portion of its stock-in-trade providing tattoos and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT THEATER — A theater that customarily presents motion pictures, films or videotapes or slide shows that is not open to the public generally but excludes any minor by reason of age.

PEEP SHOW — A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

§ 108-224. Restriction on location of adult uses.

The adult uses as defined § 108-223 above are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- A. Any of the above uses shall not be located within a five-hundred-foot radius of any area zoned for residential use.
- B. Any of the above uses shall not be located within a one-half-mile radius of another such use.
- C. Any of the above uses shall not be located with a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

§ 108-225. Conditions for waiver of restrictions.

The restrictions enumerated in § 108-224 above may be waived by the Town Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this chapter:

- A. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and interest of this article will be observed;
- B. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
- C. Fifty-one percent or more of the property owners within the restricted area as defined in § 108-224 have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

§ 108-226. Density or adult uses on lot.

No more than one of the adult uses as defined above shall be located on any lot.

§ 108-227. Termination of legal nonconforming uses.

By amortization, the right to maintain a legal nonconforming adult uses shall terminate in accordance with the following schedule:

Amount of Capital Investment¹ as of the Effective Date of this Article	Date Before Which Use Shall Terminate
0 to 5,000	January 1, 2000
5,001 to 8,000	January 1, 2001
8,001 to 15,000	January 1, 2002
15,001 to 22,000	January 1, 2003
22,001 or more	January 1, 2004