

ARTICLE XXXVIII Arts District [Added 8-19-1997 by L.L. No. 10-1997 Editor's

Note: This local law supersedes former Art. XXXVIII, Arts District, added 5-20-1997 by L.L. No. 6-1997.]

§ 108-192. Legislative intent.

It is hereby found and declared that the Central Business District of the Town of Riverhead is in need of revitalization and that the Town Board of Riverhead has adopted a policy of providing for mechanisms which assist in this revitalization. It is further found and declared that the second and third story space have lost and continue to lose retail and office tenants to more modern structures more conveniently situated and that the unused floor space of such buildings constitute a potential housing stock. It is further found and declared that residential uses within the Central Business District contribute to the viability of such Business District and that the provision of an arena for the creation of art and cultural resources, together with living accommodations for artists, would create a unique environment for increased investment contributing to the revitalization of the district. It is further found and declared that the legislation governing the alteration of such buildings to accommodate residential use must be more restrictive than statutes heretofore in effect.

§ 108-193. Title.

This article shall be known and may be cited as the "Riverhead Arts District Law" of the Town of Riverhead.

§ 108-194. Boundaries.

The Riverhead Arts District shall encompass that area bounded as follows:

Beginning at a point at the intersection of Northville Turnpike and Union Avenue, proceed in the direction heading southeast on Union Avenue to the intersection of Union Avenue and East Main Street (S.R. 25). At this point, continue in a southeast direction along the property line that separates parcels 0600-129-4-14 and 15 and 600-129-4-18.3 and 18.5 with an imaginary line to the Riverhead Town line. At this point, proceed in a westerly direction following the Riverhead Town line to Peconic Avenue, continue over Peconic Avenue still following the Riverhead Town line in a westerly direction to the Center Drive bridge. At this point, proceed in a northerly direction to the intersection of Griffing Avenue and Court Street. At this point, proceed in a northwesterly direction on Griffing Avenue to the intersection of Railroad Street and Griffing Avenue. At this point, proceed in a northeasterly direction on Railroad Street to the intersection of Roanoke Avenue and Railroad Street. At this point, proceed in a northerly direction on Roanoke Avenue to Northville Turnpike. At this point, proceed in a northeasterly direction on Northville Turnpike to point of beginning.

§ 108-195. Definitions.

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

ARTIST — A person who is regularly engaged in the fine arts, such as painting and sculpture, or in the performing or creative arts, including choreography and film making, or in the composition of music on a professional basis, and is so certified by the Town Board.

ARTIST DWELLING — A building or a portion of a building used as an accessory residence to a studio or gallery.

GALLERY — A building or a portion of a building used as a place to display or sell original works or art.

STUDIO — A building or a portion of a building, used as a place of work by an artist.

§ 108-196. Permitted acts.

In the confines of the Riverhead Arts District, the Zoning Ordinance of the Town of Riverhead shall be amended as follows:

- A. Permitted uses:
 - (1) Gallery.
 - (2) Studio.
- B. Accessory uses:
 - (1) Dwelling, artist.

§ 108-197. Application for permit.

- A. No building shall be occupied for an artist dwelling prior to the issuance of a permit by the Town Board certifying the resident as an artist. In this determination, the Town of Riverhead shall rely upon the opinion of those experts it desires and upon the definition of an artist contained herein. All applications for a permit shall include the following information and the payment of an application fee of \$10:
 - (1) The name and address of the applicant and whether the applicant is the owner or the lessee of the premises, additional family members must be indicated;
 - (2) A description of the type of art to be created within the premises together with a description of the relevant art work history of the applicant together with references.
- B. This article does not obviate the necessity for the applicant to obtain the assent or a permit required by any other agency before proceeding with operations under an approved Town Board permit.

§ 108-198. Procedure for issuance of a permit.

- A. The Town Clerk shall retain the original permit application and distribute one copy to the Town Board and the Planning Department.
- B. The Town Board shall review all completed permit applications and either approve or deny such permit by resolution. The Town Board may consult with those experts necessary to make a decision upon the propriety of the application for an artist designation. The Town Board may hold public hearing on a particular permit application if it desires. In rendering a decision of approval, approval with conditions or a denial of a permit, the Town Board shall state in writing its findings of fact and conclusions to be transmitted via resolution to the applicant and the Town Clerk.

§ 108-199. Compliance with conditions.

Permits shall remain in force for a period of one year or until commencement of residence within the premises. Subsequent to commencement, the permit shall remain perpetually in force while the applicant resides within the premises. The applicant shall notify the Town Clerk of any changes in occupancy of the premises. In the event that occupancy changes to such an extent that the intent of this legislation is contravened, the permit may be revoked by the Town Board subsequent to a hearing.

