

§ 223-24.2. Clubs. [Added 3-21-1994 by L.L. No. 3-1994]

- A. No club shall be located within a distance of 500 feet of any other club.
- B. In the interest of safety during emergencies, all clubs shall have at least two distinctly separate means of egress.

§ 223-24.3. Artist live/work spaces. [Added 8-6-2001 by L.L. No. 12-2001]**A. Development standards.**

- (1) An artist live/work space may exist on the first floor of a structure only if the appearance and use of the live/work space on the street side is consistent with the nature of the permitted uses in the surrounding area. For example, if the surrounding area is retail in nature at the first-floor level, the live/work space shall be restricted to retail on the street side of the first floor, and said street side space shall be large enough, in the opinion of the Building Inspector, to support a typical retail enterprise.
- (2) Each artist live/work space and its various components shall be physically separate and distinct from other live/work spaces and other uses within a particular building. The sharing of artist live/work spaces by multiple tenancies, components thereof or utilities shall not be permitted. However, access to live/work spaces may be provided from common access areas, halls or corridors.
- (3) Each artist live/work space must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
- (4) Each artist live/work space must be individually equipped with a kitchen consisting of a sink, nonportable stove, oven and refrigerator.
- (5) Each artist live/work space must contain a floor area of no less than 800 square feet, of which a minimum area shall be devoted to the following: 35 square feet for an enclosed bathroom, 60 square feet for a kitchen, and 120 square feet for a sleeping area.
- (6) No more than 30% of the floor area of the artist live/work space may be devoted to residential space.
- (7) Direct access between living and working areas must be provided.
- (8) In order to ensure that the use is consistent with the other commercial uses, artist live/work spaces shall not be used for classroom instructional uses with more than two pupils at any one time; the storage of flammable liquids or hazardous materials; welding; or any open-flame work. Further, the work in the live/work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond any lot line.

- (9) Not more than one person who is 18 years of age or older may reside within an artist live/work space per 300 square feet of residential floor area. Further, not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and not more than two children of said persons who are under 22 years of age may reside within a live/work space on a year-round basis.
- (10) Only one nonresident employee may be employed within an artist live/work space. This requirement may be waived for live/work spaces that provide retail space on the first floor.
- (11) Other than in a first-floor retail-oriented area, articles offered for sale within a live/work space must include those produced by the artist residing in said live/work space and may be offered with other like items.
- (12) One flush-mounted, nonilluminated sign, with a maximum area of two square feet, attached adjacent to or near the street entrance door to the live/work space may be used to identify the artist. This sign may list only the name of the artist with a one- or two-word description of the type of artwork or craft that is to be conducted within the live/work space. Where two or more live/work spaces occur within the same building, the signs must be placed in an orderly fashion in relation to each other and must be part of a coherent directory in which signs are ordered in a horizontal fashion. Where five or more live/work spaces are developed within one building, an interior directory sign shall be located in lieu of individual signs on the building exterior.
- (13) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the artist live/work spaces and permitted nonresident employees.
- (14) No artist live/work space shall serve as a place from which commercial vehicles are dispatched or operated.
- (15) All live/work spaces shall conform to all applicable building codes.¹⁷
- (16) For the purposes of this permitted use, artists shall only be those persons working exclusively with paint, paper, clay and/or other soft materials, and this use shall include photography, jewelry making, graphic arts and other similar relatively quiet endeavors as determined by the City Council in reviewing the proposed special use permit application. Tattoo appliers, body piercers and musicians shall not be considered artists for the purpose of this use.
- (17) Renewal inspections. Each artist live/work space shall be inspected by the Building Department every two years in order to determine whether the artist live/work space remains in compliance with this section. Upon a satisfactory inspection report, the artist live/work space owner shall be reissued a certificate of occupancy for two additional years. If the Building Inspector determines that the artist live/work space is not in compliance, the building owner or manager shall have 60

17. Editor's Note: See Ch. 119, Uniform Fire Prevention and Building Code.

days in which to rectify all noncomplying elements and shall apply for reinspection with the Building Department, subject to an additional fee. If all such noncomplying elements are not rectified within the above-specified time frame, the certificate of occupancy for the use shall expire and the use as authorized by the special permit shall be terminated.¹⁸ **[Added 9-19-2005 by L.L. No. 11-2005; amended 3-18-2013 by L.L. No. 6-2013]**

- (18) The owner of the live/work space shall file a certification with the Building Department every two years, and at any point in time when there is a change in ownership or a change in the use of the space, on a form provided by said Department, which certifies that the live/work space is in conformance with the Zoning Chapter and the special permit, and that the residential portion of the space has not been expanded beyond a maximum of 30% of the floor area of the live/work space, as required by Subsection A(6) above. **[Added 3-18-2013 by L.L. No. 6-2013]**
- (19) The deed, offering plan, certificate of occupancy and/or rental agreement, as appropriate, for each artist live/work space shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is an artist live/work space as defined in § 223-63 of the Zoning Chapter of the Code of the City of Beacon, New York, and is subject to all restrictions and limitations as set forth in said chapter and the approval resolution(s), including the requirement for a certification with the Building Department in accordance with § 223-24.3A(18). Proof of recording of the deed shall be provided to the Building Department within 60 days after the conveyance. **[Added 3-18-2013 by L.L. No. 6-2013]**

18. Editor's Note: Former Subsection B, regarding procedures for special permits, which immediately followed this subsection, was repealed 3-18-2013 by L.L. No. 6-2013. Section 4 of this local law provided as follows: "Any artist live-work space that failed to comply with the prior language of § 223-24.3B shall have six months from the effective date of this local law to renew its special permit by complying with new § 223-24.3A(18) and (19) and existing Subsection A(17) and any other applicable provision of the City Code. Failure to do so shall result in the expiration of the special permit and the use as authorized by the special permit shall be terminated."