

# **APPENDIX B**

## **DC-1 Zoning Ordinance**

## **ARTICLE LVI Downtown Center 1: Main Street (DC-1) Zoning Use District [Added 11-3-2004 by L.L. No. 45-2004]**

### **§ 108-297. Purpose and intent.**

The intent of the Downtown Center 1: Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale.

### **§ 108-298. Uses.**

In the DC-1 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 that following permitted uses or specially permitted uses and their customary accessory uses:

#### **A. Permitted uses: [Amended 2-7-2006 by L.L. No. 8-2006]**

1. Retail stores.
2. Banks.
3. Personal service businesses.
4. Indoor public markets.
5. Art galleries and studios.
6. Museums, libraries, aquariums and other cultural attractions.
7. Restaurants, cafes, bakeries with retail sale on premises, banquet facilities, specialty food stores, ice cream parlors.
8. Theaters and cinemas.
9. Professional offices (except for veterinary offices) on the ground floor.
10. Schools (including business and secretarial).
11. Places of worship.
12. Residential units on upper floors with a minimum unit size of 650 square feet.
13. Bed-and-breakfast establishments.
14. Townhouses upon lots with frontage along public highways other than New York State Route 25.

\*Note: Subsequent to the date of enactment of this article, upon the issuance of certificates of occupancy for 500 residential units, such residential units as set forth in § 108-298(A)(13) shall be prohibited within the DC-1 Zoning Use District.

#### **B. Special permit uses:**

1. Hotels.
2. Marinas.
3. Taverns.
4. Indoor recreation facilities.
5. Day-care, nursery schools.
6. Dormitories, on upper floors.
7. Retail stores with greater than 10,000 square feet of gross leasable floor area.

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 are the following:

(1) Artists' studios, provided that they occupy 40% or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.

D. Prohibited uses:

1. All ground-floor offices, with the exception of real estate and professional offices.
2. Office-only buildings.
3. Ground-floor residential units, with the exception of townhouse uses.
4. Flea markets, with the exception of farmers markets.
5. Gas stations, car washes, and other automobile-oriented uses.
6. Drive-through windows for restaurants and banks.
7. Antennas for wireless providers.

**§ 108-299. 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 *Editor's Note: The Zoning Schedule is included at the end of this chapter.* 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.

**§ 108-300. Supplementary requirements.**

The following design and parking standards shall apply:

A. Design standards.

1. The principal building entrance and front shall face the primary street frontage and sidewalk. Secondary building entrances on the south side of Main Street shall face the Peconic Riverfront.
2. At least 75% of linear width of the front facade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.
3. Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.
4. Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in facade plane, piers, or other architectural features.
5. Signage in the DC-1 Zoning Use District shall be provided in accordance with § 108-56, Signs.
6. Buffering and transitions:
  - a. Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof pursuant to § 98-8.
  - b. Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.
  - c. Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

B. Parking standards.

1. The number of off-street parking spaces in the DC-1 Zoning Use District shall be provided in accordance with § 108-80, Off-street parking.
2. Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to a twenty-percent 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. The parking requirement may be reduced with payment of a fee in lieu of providing off-street parking as provided for in § 108-60.
4. Off-street parking shall not be permitted in the front yard. Parking shall be sited to the rear of buildings, away from street frontage(s) when possible, or to the side of buildings. In all cases, garages and parking areas shall be recessed at least five feet from the primary front facade plane of the main building, and at least 15 feet back from the front property line.

5. Parking may also be located fully below buildings, partially below grade in a building, or at-grade within a building, provided it is fully enclosed and no entry is provided facing a public street or front yard. Structured parking that is partially below grade shall be screened from the street by steps, trellises, or screens.
6. Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front property line for properties less than 30 feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.
7. 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.
  - c. The maximum width of garage entryways facing a front street shall not exceed 18 feet.