

§ 301-140. 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.

§ 301-141. 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 the 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, with 10,000 square feet of gross leasable floor area or less.¹
- (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, subject to the following conditions: **[Amended 11-17-2009 by L.L. No. 62-2009]**
 - (a) Studio apartments or efficiency units consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities, shall have a minimum of 300 square feet and a maximum of 450 square feet.
 - (b) Except as set forth in Subsection A(12)(a) above, the dwelling unit may contain one kitchen, one dining room, one living room, one or two bathrooms and up to two bedrooms. Rooms designated as dens, libraries, studios, family rooms, bonus rooms, computer rooms, or any similarly named room, shall be deemed to be additional bedrooms, unless the room is designed such that the dimensions are less

1. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

than 70 square feet or as part of an open floor plan design.

- (c) The application for site plan approval must include all floor plans which demonstrate compliance with the provisions in Subsection A(12)(a) and (b) above.

* 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 Subsection A(12) of this section shall be prohibited within the DC-1 Zoning Use District.

(13) Bed-and-breakfast establishments.

(14) Townhouses upon lots with frontage along public highways other than New York State Route 25.

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.
- (8) Microbrewery, brew pub, microcidery and microwinery, subject to the following additional criteria: **[Added 7-7-2015 by L.L. No. 10-2015]**
 - (a) The use shall not be located within 200 feet of a school or house of worship.
 - (b) The use shall be limited to serving prepackaged food products, unless the applicant obtains approval and a certificate of occupancy for use as a brew pub or restaurant use within that portion of the premises used for preparation and service of food.
 - (c) The use shall permit tastings and sale for on-site consumption, subject to all required permits and approvals required by state and local laws, rules and regulations.
 - (d) The use shall permit sale for off-site consumption (i.e., filling of growlers) limited to 1,000 barrels annually and offer to licensed retailers and wholesalers limited to 2,500 barrels of beer, cider or wine annually.
 - (e) The processing and manufacturing shall not exceed 10,000 barrels (310,000 gallons) annually.
 - (f) All manufacturing and processing activities, including storage of grains, shall take

place within an enclosed building.

- (g) A maximum of 70% of the total square footage shall be used for manufacture and processing.
 - (h) A minimum of 30% shall be used for the sale and marketing of the manufactured product.
 - (i) All sales and marketing shall be located in the portion of the building located along road frontage.
 - (j) A microbrewery, brew pub, microcidery or microwinery use shall be required to hook up to the sewer system and enter into a monitoring agreement with the Sewer District to determine flow and calculate the use fee. (Note: A separate hookup and fee shall be assessed for a pub/restaurant use related to a brew pub.)
 - (k) All loading areas shall be located in the rear portion of the building.
- 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.