

## **Subdivision III. - Downtown District 1 (DD-1)**

---

### **Sec. 78-716. - Purpose.**

The purpose of the downtown district 1 (DD-1) is to maintain the historical downtown area as the town's principal commercial, service, and entertainment center for yearround residents and seasonal visitors, by promoting increased commercial diversity, vertical stratification of mixed uses, improved infrastructure, and implementation of design standards targeted at creating a visually exciting and harmonious environment attractive to the changing market demands.

(Ord. of 9-18-2001, § 7.1)

### **Sec. 78-717. - Permitted uses.**

**Permitted uses in the downtown district 1 (DD-1) shall be classified as follows:**

#### **(1) Primary uses. Primary uses are as follows:**

- a. Single-family detached and two-family dwellings.
- b. Multifamily dwellings, provided that all units are located on any floor except sidewalk level.
- c. Accessory buildings, structures, or uses.
- d. Retail uses.
- e. Business/commercial services and professional offices.
- f. Restaurants, sidewalk cafes, and cafes.
- g. Food stands (located between First Street/Milliken Street and the beach) with a minimum ten-foot setback from the front property line.
- h. Movie theaters, playhouses, performing arts centers.
- i. Lodging establishments and convention centers.
- j. Recreational rentals, sales, supplies.
- k. Health clubs, recreational facilities, and bathhouses.
- l. Parking garages, providing the level abutting any public sidewalk or street shall contain retail uses to maintain the commercial continuity of the street.
- m. Service clubs, lodge or fraternal organizations.
- n. Municipal uses.
- o. Community living arrangements.

#### **(2) Complementary uses. Complementary uses are as follows:**

- a. Personal services, including laundromats, dry cleaning, tanning salons, and beauty parlors.
- b. Drinking establishments.
- c. Dancehalls and chem-free clubs that serve only nonalcoholic beverages.
- d. Amusement arcades.
- e. Artist and craftsman shops and any manufacturing operations where goods are produced and primarily sold in an on-site retail storefront.
- f. Tattoo parlors.
- g. Rental car parking lots provided that the number of on-site stored automobiles shall not exceed ten vehicles.

**(3)Conditional uses. Conditional uses are as follows:**

- a.Public/private utility facility.
  - b.Wireless telecommunication facilities: architectural siting only.
- (Ord. of 9-18-2001, § 7.1.1; Ord. of 10-20-09(2))

**Sec. 78-718. - Prohibited uses.**

**Prohibited uses in the downtown district 1 (DD-1) are as follows:**

- (1)Automobile filling stations, automobile sales, service, or repair.
  - (2)Fuel storage except that incidental for cooking and heating/cooling of buildings.
  - (3)Adult entertainment.
  - (4)Truck terminals/motor freight business.
  - (5)Storage of contractor's equipment or supplies.
  - (6)Trailer and mobile home, commercial boat sales and service.
  - (7)Marinas, docking facilities and water related uses.
- (Ord. of 9-18-2001, § 7.1.2; Ord. 10-20-09(2))

**Sec. 78-719. - Distribution of uses.**

- (a)*Primary uses.* Primary uses shall be allowed anywhere within the downtown district 1 (DD-1).
  - (b)*Complementary uses.* Within the downtown district 1 (DD-1), any proposal for a new complementary use, including a proposal to change one complementary use to another, shall be reviewed by the code enforcement officer for compliance with the following distribution requirements:
    - (1)No new complementary use shall be established on the sidewalk level of any street if, as a result, the proportion of the street frontage allocated to complementary uses would be more than 40 percent. To determine that percentage, street frontage is measured along the sideline of the street, starting from the centerpoint of the front lot line of the parcel on which the proposed complementary use is located and running in each direction for a distance of 200 feet or to the nearest intersecting street on the same street side as the proposed complementary use, or to the zoning district boundary of the DD-1 district, whichever is less.
    - (2)Complementary uses listed in section 78-717(2)d and (2)f shall not be located closer than 200 feet from another similar use, measured in a straight line without regard for intervening structures or objects between the customer entrance of each such use. Where such uses have more than one customer entrance, the 200-foot spacing must be maintained between all such entrances.
- (Ord. of 9-18-2001, § 7.1.3; Ord. of 11-5-2003(1), § 7.1.3.2.a.)

**Sec. 78-720. - Spacing of drinking establishments.**

- (a)After November 5, 2003, no new drinking establishment shall be located in a building, structure, or area of land which is closer than 400 feet, measured in a straight line without regard to intervening structures or objects, to any other building, structure, or land which is:
  - (1)Occupied by a drinking establishment; or
  - (2)Occupied by any establishment which serves alcoholic beverages for consumption on the premises.
- (b)No drinking establishment shall be located in a building, structure, or area of land which is closer than 100 feet from the boundary of a residential zoning district.
- (c)Any drinking establishment existing on November 5, 2003 may continue to operate in its existing location provided the owner of the establishment registers with the code enforcement officer on a form specified by

the code enforcement officer and establishes to the satisfaction of the code enforcement officer that the establishment was lawfully located or has been deemed legally nonconforming as a drinking establishment as of November 5, 2003. Any establishment which does not so register with the code enforcement officer by May 5, 2004 or which the code enforcement officer determines was not lawfully located as of November 5, 2003 shall not qualify as a lawful nonconforming use under [section 78-176](#), and continued operation shall constitute a violation. A drinking establishment which is allowed to operate pursuant to this section is not eligible for an appeal from restrictions on nonconforming uses under [section 78-180](#)

(d) Any establishment which serves alcoholic beverages for consumption on the premises must, annually at the time of renewal of its license under [chapter 18](#), article II of this Code, provide information to the code enforcement officer on a form specified by the code enforcement officer demonstrating that the establishment continues to operate in a manner which complies with the spacing requirements of subsection (a) of this section or is allowed to continue in a nonconforming location pursuant to subsection (c) of this section. Any establishment which does not provide such information or which has changed its operation so that it no longer complies with such spacing requirements will be in violation.

(Ord. of 11-5-2003(1), § 7.1.3.3)

### **Sec. 78-721. - Space and bulk requirements.**

**Space and bulk requirements in the downtown district 1 (DD-1) are as follows:**

Zoning Standard	Residential Uses	Mixed Use and Nonresidential Uses
Minimum lot size	10,000 sq. ft./NDD*	4,000 sq. ft./NDD*
Minimum net lot area per family unit	2,500 sq. ft.	1,000 sq. ft.
Minimum net lot area per lodging establishment unit	Not applicable	1,000 sq. ft.
Minimum floor area per family unit		(Lodging uses not included)
One bedroom	550 sq. ft.	550 sq. ft.

Two bedroom	750 sq. ft.	750 sq. ft.
Three + bedrooms	900 sq. ft.	900 sq. ft.
Minimum lot frontage	100 feet	N/A
Maximum building coverage	35%	90%
Maximum principal building height	35 feet	50 feet
Maximum height of turrets and copulas	45 feet	65 feet
Accessory building height	20 feet	20 feet
Front yard setback	15 feet	0 feet
Side yard setback	15 feet	0 feet
Rear yard setback	20 feet	0 feet

\*NDD = Net development density (Ord. of 9-18-2001, § 7.1.4)

**Secs. 78-722—78-745. - Reserved.**