

§ 210-22. Arlington Town Center (ATC) District. [Amended 6-3-2009 by L.L. No. 24-2009; 7-1-2009 by L.L. No. 26-2009; 4-6-2011 by L.L. No. 8-2011; 11-16-2011 by L.L. No. 30-2011; 8-22-2012 by L.L. No. 16-2012; 5-20-2015 by L.L. No. 5-2015; 7-19-2017 by L.L. No. 13-2017; 8-21-2019 by L.L. No. 5-2019; 6-1-2022 by L.L. No. 2-2022; 7-5-2023 by L.L. No. 8-2023; 8-2-2023 by L.L. No. 9-2023; 4-17-2024 by L.L. No. 4-2024; 8-21-2024 by L.L. No. 8-2024; 11-6-2024 by L.L. No. 12-2024]

- A. District purpose. The district recognizes the Arlington area as a unique blend of residential and business land uses in close proximity to Vassar College. Land uses include established single-family, two-family, and multifamily development in close proximity to neighborhood-scale service and retail businesses within the Arlington area. An appropriate mixture of land uses is permitted; nonresidential uses that complement residential uses are encouraged. In addition, this district serves the following specific purposes:
- (1) Promote a mix of commercial and residential uses.
 - (2) Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
 - (3) Promote pedestrian activity through a safe and walkable environment.
 - (4) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
 - (5) Create an interconnected street system for both pedestrian and vehicular traffic.
 - (6) Encourage the development of both on-street parking and shared parking areas between nearby uses.
 - (7) Protect important natural and historic features.
 - (8) Encourage the redevelopment and reuse of existing structures.
- B. Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board):
- (1) *Anchor projects, subject to § 210-51.1.
 - (2) *Animal grooming, subject to § 210-52.
 - (3) *Animal training, indoor, subject to § 210-52.
 - (4) *Art galleries.
 - (5) *Bank and financial services.
 - (6) *Bakeries.
 - (7) *Bed-and-breakfasts.
 - (8) *Boutiques with or without goods processed or assembled on site, subject to § 210-57.
 - (9) Community residential facility.

- (10) *Delicatessens.
- (11) *Dwellings, two-family.
- (12) Dwellings, single-family.
- (13) *Family day-care homes, subject to § 210-65.
- (14) *Laundries, laundromats.
- (15) *Libraries.
- (16) *Museums.
- (17) *Offices.
- (18) *Personal service businesses, no drive-in or drive-through
- (19) *Places of religious worship, subject to § 210-95.
- (20) *Retail businesses, no drive-in or drive-through.
- (21) *Service businesses, no drive-in or drive-through.
- (22) *Restaurants, no drive-in or drive-through.
- (23) *Supermarkets.
- (24) (Reserved)
- (25) *Theaters.
- (26) *Veterinary office, subject to § 210-52.

C. Special uses. Special uses shall be as follows (Note: "*" designates a use which is subject to both special use permit and site plan approval by the Planning Board; "+" designates a use that is subject to special use permit approval by the Zoning Board of Appeals; "^" designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

- (1) (Reserved)
- (2) *Adaptive reuse of existing residential structure for nonresidential use.
- (3) *Bed-and-breakfast, subject to § 210-55.
- (4) ^Cannabis retail dispensary, subject to § 210-61.
- (5) *Clinics.
- (6) *Day-care center, subject to § 210-65.
- (7) *Funeral home, subject to § 210-71.
- (8) Home occupations, subject to § 210-74.

- (9) *Hotel, motel, subject to § 210-75.
- (10) *Inn, subject to § 210-77.
- (11) *Multifamily dwellings, new construction, and mixed residential and nonresidential uses within multistory structures as part of a unified development on a single lot. See special rules below for the rehabilitation and reuse of existing, legal multifamily structures for multifamily use.
- (12) *Motor vehicle accessory sales facilities, subject to § 210-86.
- (13) *Nursery school, subject to § 210-65.
- (14) *School-age child-care facility, subject to § 210-65.
- (15) *Tobacco store, subject to § 210-111.1.

D. Accessory uses shall be as follows:

- (1) Accessory buildings and structures, subject to § 210-48.
- (2) *Outdoor restaurant dining area subject to § 210-102.
- (3) Swimming pool (private), subject to § 210-107.
- (4) Temporary buildings for construction purposes, subject to § 210-109.
- (5) Sidewalk seating and tables for patrons, subject to § 210-104.1.

E. The area and bulk regulations for the ATC District shall be as follows:

Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Front Yard ^a (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
5,000	30	30	5	0	20	60%	95%	45 or 3 stories; over 45 feet or three stories up to 75 feet or 5 stories by special use permit

NOTE:

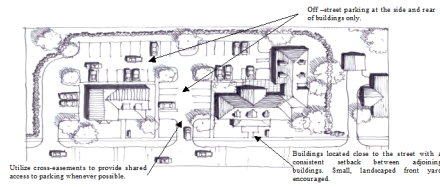
^a

Front yard exceptions. In an area where the average existing front yard setback for structures along the street is less than five feet, a structure may be erected less than five feet from the street line, provided that no building or part thereof shall be erected nearer to any street line than the average alignment of existing buildings within 200 feet on each side of the lot.

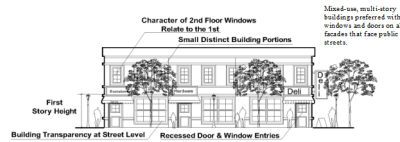
- (1) On a lot, no single retail use shall occupy ground floor space in excess of 8,000 square feet. The continuous ground level frontage of a single commercial use building in excess of 40 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 4,000 square feet shall be contained in a

mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

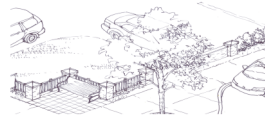
- (2) Maximum residential dwelling unit density. Residential density shall not exceed six dwelling units per acre. Notwithstanding, a residential density of up to eight units per acre may be constructed subject to special permit approval by the Planning Board. In addition, residential dwelling units located immediately above a ground-floor, second-floor, or third-floor nonresidential use shall not be counted against the maximum residential dwelling unit density, provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.
 - (3) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.
 - (4) The rehabilitation and reuse of existing multifamily structures for multifamily use shall be exempt from the area and bulk regulations of the ATC District and the minimum parking requirements of this chapter, and shall be exempt from special permit review and site plan review under this chapter, and the maximum residential dwelling unit density may be as high as 12 units per acre, provided:
 - (a) The multifamily use and/or structure is legally conforming or legally nonconforming as of the date of adoption of this chapter; and
 - (b) The rehabilitation does not involve an expansion of the existing building so as to increase its floor area or that of any accessory structures on the property; and
 - (c) No dwelling unit within the multifamily structure shall contain more than two bedrooms.
 - (d) No dwelling unit is less than 600 gross square feet.
- F. Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the ATC District. The Planning Board shall use its discretion as to the applicability of these guidelines to an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.
- (1) The Planning Board is empowered to require a mix of uses in any development project. Further, the Planning Board is empowered to require that a development be phased to ensure the required mix of uses is implemented. In considering a mixed residential and nonresidential development proposed for a single lot or as part of a unified development on several lots, the Planning Board shall ensure that the percentage of floor area devoted to residential uses does not, generally, exceed 80% of the total floor area of a proposed development.



- (2) Single-story buildings are prohibited. Two- or three-story buildings are required for all residential and business use structures throughout the entire ATC District. Larger-scale facilities (conference spaces, theaters, supermarkets or department stores, for example) shall occur behind smaller-scale buildings or storefronts with pedestrian orientation.
- (3) The establishment of mixed-use, multistory dwellings is the preferred form of use.
- (4) New or in-fill construction shall be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.
- (5) Setbacks and landscaping for nonresidential and mixed-use developments shall be subject to the requirements of § 210-152A(2) of this chapter.
- (6) Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.
- (7) Where parking lots and drives abut the landscaped strip along the street right-of-way, evergreen shrubs and/or a three-foot stone wall, as approved by the Planning Board, should be provided for screening. The screening should be a plant species that is a minimum of three feet high and a maximum of six feet high, and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility lines.
- (8) For uses involving an adaptive reuse conversion of a residential structure to nonresidential use, the Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the nonresidential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.



- (9) Sidewalks shall be provided as a design element of all new and redeveloped streets. Street trees shall be provided, and all street trees should be tolerant of urban condition, especially salt and sand deposited with snow removal. Mulched tree wells should be placed around the base of each tree for protection and moisture retention. Property owners shall have responsibility for planting and maintaining trees along the street frontage(s) within the Town's right-of-way. The sidewalks shall be not less than five feet in width, shall be concrete, and shall be separated from the street by a tree lawn at least five feet wide. In approving sidewalks, the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively, the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.
- (10) The Planning Board may waive height and setback requirements for designated historic civic buildings, including government buildings, churches, schools, or libraries.
- (11) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.
- (12) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and facade variations and other architectural features can disguise the flatness of the roof. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entryway or tower element to break the horizontal facade.
- (13) Any large building facade and the sides visible from the street corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.
- (14) The utilization of ribbon or continuous strip glazing in any building facade is prohibited.
- (15) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use. In order to facilitate fewer curb cuts, shared driveways should be used for access to parking lots behind buildings. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the County Clerk as part of development plan approval. Where appropriate, the Planning Board may allow on-street parking, provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses.



Use landscaping, such as hedges, shrubs, or low walls of stone, brick, wood, wrought iron, or an acceptable substitute, to screen parking and create an edge along the sidewalk.

- (16) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing vegetation and/or fencing.
- (17) Residential rear access lanes should be used for access to garages and parking lots behind buildings.
- (18) Where practicable, new buildings adjacent to existing structures shall be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape.
- (19) New or in-fill buildings shall be located in line with existing buildings to maintain the integrity of the existing building setback line of the street.
- (20) Subject to Town Board approval, new streets should connect to existing streets and use a block system to avoid dead-ends whenever practicable.
- (21) Restaurants may be permitted to operate outdoor cafes in front of and on public sidewalks as long as at least seven feet between the seating area and the curb are maintained free for sidewalk passage.
- (22) A retail business may be permitted to have a temporary sidewalk display of store merchandise of up to 25% of its sidewalk frontage.
- (23) Streetlights and other lighting shall not exceed 15 feet in height. Lighting shall be metal halide or other full-spectrum fixture and should avoid illumination above the horizontal level into the night sky. All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines.
- (24) Where allowed, drive-in and drive-through windows, lanes and facilities shall be located to the rear of the principal building(s).
- (25) The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirement of up to 50% for two or more principal buildings or uses, either on the same, adjacent, or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use.

- (26) Loading and delivery areas may be shared between nearby uses, and shall be determined by the Planning Board on a case-by-case basis.

G. Main Street Drive-In Overlay District (MSDOD).

- (1) Overlay District purpose. Within the Arlington Town Center (ATC) District, drive-in and drive-through uses, as defined in § 210-9, are prohibited as out of keeping with the pedestrian, bicycle, low vehicle speed character of the ATC District. By their nature, uses that deliver services and goods to drivers via a drive-in/drive-through generate vehicular traffic that can compete with, and conflict with, the movement of pedestrians and bicyclists in high-density mixed-use areas such as the ATC District. The prohibition on the establishment of new drive-in/drive-through uses in the ATC District is intended to encourage businesses that are not largely automobile dependent and that would facilitate the movement of patrons between local business by foot or bicycle. It is recognized, however, that the Main Street section of the ATC District presently contains several long-established business that have drive-in/drive-through uses. The type of business uses and the relatively low number of residential uses along Main Street also make this part of the ATC District uniquely different from the ATC District south of Main Street to warrant, on a case-by-case basis, consideration for the establishment of new drive-in/drive-through uses on existing lots on Main Street and including those lots having frontage on Haight Avenue (i.e., the east-bound arterial). A Main Street Drive-In Overlay District (MSDOD) designation may be permitted, at the sole discretion of the Town Board, as a Zoning Map amendment, subject to such additional terms and conditions as the Town Board may require, at locations within the Arlington Town Center (ATC) District which meet the specific requirements as set forth herein.
- (2) Specific requirements. An application for a Main Street Drive-In Overlay District designation shall be subject to the following specific requirements:
- (a) Eligible lot. To be eligible for MSDOD designation, the lot shall meet the following criteria:
- [1] The entirety of the lot shall be within the Arlington Town Center (ATC) District; and
- [2] The lot shall have a minimum area of not less than 0.5 acre; and
- [3] The lot shall have not less than 100 feet of frontage on Main Street and/or Haight Avenue. Such frontage requirement may be met by combining the lot frontage on Main Street and Haight Avenue where the lot has frontage on both streets; and
- [4] The lot shall be located as follows:
- [a] On Main Street, east of South Grand Avenue and North Grand Avenue and west of Taft Avenue/Fairmont Avenue.
- [b] On the north side of Haight Avenue, east of Raymond Avenue and west of Fairmont Avenue.

- (b) Design preference. In its review of an application for a Main Street Drive-In Overlay District designation, the Town Board shall give preference to the following:
- [1] A site design for a corner lot wherein the site ingress is via Main Street and site egress is via an adjoining public street.
 - [2] A site design wherein the lanes providing ingress and egress to the site are joined as a single curb cut rather than split into two separate curb cuts (i.e., as in a horseshoe or "U" shape).
 - [3] A site design that incorporates a pedestrian sidewalk from the public sidewalk at the street to the front entrance of the building.
 - [4] A site design that provides screening (i.e., landscaping or fencing) of the drive-through facility.
 - [5] A site design that provides adequate vehicle stacking for the drive-in lane to ensure that vehicles are not queued so as to cause, or likely to cause, blockage of sidewalks or the travel lanes of Main Street or Haight Avenue.
- (3) Procedure. The review and approval of an application for a Main Street Drive-In Overlay District designation shall be as follows:
- (a) Town Board review. An application for a Main Street Drive-In Overlay District designation shall be submitted to the Town Board. Upon receipt of an application, the Town Board shall notify the applicant of the place, date, and time of the meeting at which the application is to be considered and shall refer the application to the Planning Board and to the County Planning Department for review and recommendation. The applicant or the applicant's representatives shall be present at meetings of the Town Board at which the application is to be considered.
 - (b) Planning Board review. Within 90 days of receipt of the application from the Town Board, the Planning Board shall make a recommendation to the Town Board as to whether, in the opinion of the Planning Board, the application supports a Main Street Drive-In Overlay District designation. The applicant or the applicant's representatives shall be present at the meetings of the Planning Board at which the application is to be considered. The time period for receipt of the recommendation shall be suspended where the Planning Board has been designated as the lead agency to coordinate the environmental review of the application pursuant to Article 8 of the Environmental Conservation Law until the Board has either issued a negative declaration or accepted a draft environmental impact statement as complete.
 - (c) SEQRA review. No application for a Main Street Drive-In Overlay District designation shall be complete until a lead agency is established and a negative declaration has been issued or a draft environmental impact statement has been issued by the lead agency as satisfactory with respect to scope, content and adequacy.

- (d) Town Board action. Within 62 days of receipt of the Planning Board's recommendation, the Town Board shall hold a public hearing on the application for a Main Street Drive-In Overlay District designation. Notice of the public hearing shall be published in the official newspaper at least 10 days prior to the date set for the public hearing. A public hearing on the application shall also be coordinated with any public hearing on a draft environmental impact statement. The Town Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one or more signs on the premises that is the subject of the application notifying interested persons that an application for a Main Street Drive-In Overlay District designation is under consideration by the Board. All notices shall include the name of the application, the location of the site requested for designation, and the date, place, time and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates. Within 62 days of the close of the public hearing, the Town Board shall act to approve or disapprove the application for a Main Street Drive-In Overlay District designation. The time within which the Board must render its decision may be extended for such additional time as the Board may deem reasonable or necessary to render a decision. The failure of the Board to take action within 62 days of the close of the public hearing, or within such additional time period as may be agreed to or established by the Board, shall not result, and shall not be construed to result, in a default approval of the application. The Board may, if it feels necessary to fully protect the public health, safety and welfare of the community, attach to the designation any reasonable conditions or requirements for the applicant to meet. The decision of the Board shall be filed in the office of the Town Clerk within five business days of the date such decision is rendered, and a copy thereof shall be mailed to the applicant. The zoning amendment shall become effective as of the date of filing with the New York State Department of State.
- (e) Site plan approval. Site Plan review and approval by the Planning Board, as provided in Article XIII of this chapter, shall be required prior to commencement of any site work or the issuance of a building permit. Changes to a previously approved site plan shall also require site plan approval.
- (f) Subdivision approval. If the development proposal involves the subdivision of land as defined in this chapter and Chapter 177, the subdivision approval pursuant to Chapter 177 shall be required prior to commencement of any site work or the issuance of a building permit. Changes to a previously approved subdivision plat shall also require subdivision reapproval.
- (g) Conformity with overlay district designation required. The Planning Board shall not approve any site plan and/or subdivision that is not in substantial conformance with the Main Street Drive-In Overlay District designation granted by the Town Board or with any conditions imposed upon such designation.
- (h) Time limits. If construction work on the proposed development is not begun within two years of the date of the Town Board approval of the Main Street Drive-In

Overlay District and completed within two years of the date of Planning Board site plan and/or subdivision approval, then such designation shall become null and void, and all rights therein shall cease, unless the Town Board, for good cause shown, authorizes an extension.