

ARTICLE VIII

I Industrial Districts

[Amended 6-20-1990; 2-2-2000 by L.L. No. 1-2000; 2-18-2015 by L.L. No. 1-2015; 6-7-2017 by L.L. No. 2-2017; 6-21-2017 by L.L. No. 4-2017; 2-27-2019 by L.L. No. 3-2019]

§ 295-24.1. Purpose and intent.

The purpose of the Industrial Districts is to provide locations intended to remain primarily industrial in nature and conserve industrial zoned land for future industrial uses while allowing for limited nonindustrial activities that are accessory or complementary to existing and future industrial uses within the district. The Industrial District is intended primarily for low-impact industrial uses. These uses typically require ready access to transportation routes and may require special attention to provide adequate fire and emergency services, water and wastewater treatment. The activities in these districts are typically conducted indoors, and any impacts are generally confined within buildings and to the property. As such, these industrial uses can often be located adjacent to compatible nonindustrial uses, with appropriate buffers as necessary. These districts may include ancillary industrial support businesses and services, including, but not limited to, offices and some degree of commercial sales and services.

§ 295-25. Permitted uses.

A. Except as provided in § 295-26, the following uses are permitted in I Industrial Districts:

- (1) Light manufacturing, assembly and repair of scientific, electronic, optical, medical, surgical, dental, photographic, and similar precision instruments, components, and devices.
- (2) Light manufacturing and assembly of industrial monitoring equipment, components and recording devices such as temperature gauges, air quality monitoring, optics, lighting and noise control.
- (3) Light manufacturing, assembly, repair and sale of plumbing, electrical, and communications equipment and supplies.
- (4) Value-added processing, fabrication, assembly, packaging and distribution of previously manufactured materials.
- (5) Advanced engineering research, design and development.
- (6) Data management, call centers and computer operations.
- (7) Biotechnology, laboratory and materials testing, and robotics.
- (8) Corporate and administrative offices.
- (9) Software development, software as a service, computer-assisted design, 3-D imaging and printing, and other computer-related industries.

- (10) Food processing, bottling, storage, packaging and distribution.
- (11) Light industrial machine shops, wood and metal working, printing, lithographing and engraving, plating and toolmaking.
- (12) Warehousing, storage and distribution.
- (13) Farm equipment sales and service, landscaping businesses, nurseries and greenhouses. **[Amended 3-24-2021 by L.L. No. 2-2021]**
- (14) Self-storage facility.
- (15) Any other industrial uses not prohibited by § 295-26 may be permitted upon the granting of a special use permit by the Town Board after a public hearing on notice as hereinafter provided in accordance with the procedures set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (16) Any uses permitted in a commercial district and not prohibited by § 295-26, subject to all the conditions applicable to such uses in commercial districts, but only where the property subject of the use has zoning street frontage on Jefferson Road between West Henrietta Road and Winton Road, or, if having no such zoning street frontage, subject to the granting of a special use permit by as provided in Article XII. **[Amended 3-24-2021 by L.L. No. 2-2021; 4-12-2022 by L.L. No. 8-2022]**
- (17) Residential rooftop solar energy systems. **[Amended 9-22-2021 by L.L. No. 12-2021]**
- (18) Small-scale solar energy systems. **[Amended 9-22-2021 by L.L. No. 12-2021]**
- (19) Medium-scale solar energy systems, subject to obtaining a special use permit. **[Added 9-22-2021 by L.L. No. 12-2021¹]**
- (20) Public garages, gasoline filling stations or motor vehicle service and supply stations, which shall be permitted only upon the granting of a special use permit by the Town Board after a public hearing in accordance with the procedures set forth in Article XII of this chapter, and further upon the requirements set forth in § 295-48 of this chapter for gasoline filling stations and motor vehicle service and supply stations. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (21) Vehicle storage lots for dealerships/motor vehicle sales businesses, for new cars and trucks only, for dealerships/motor vehicle sales businesses legally existing in the Town of Henrietta, for the purposes of storing new vehicles for sale through said Town of Henrietta dealership/motor vehicle sales business off site, but only if there is no customer activity and no sales activity taking place on the storage lot, and only upon obtaining a special use permit from the

1. Editor's Note: This local law also provided for the redesignation of former Subsection A(19) and (20) as Subsection A(20) and (21).

Town Board, which special use permit may be issued for a limited duration (and which may be renewed upon application therefore under these same regulations). Additional factors to be assessed upon considering the special use permit include minimizing the visual impact of the storage lot from any public street; minimizing the visual impact on any surrounding properties (especially residential properties); minimizing the impact on the operation of any surrounding properties; whether the parking lot will comprise reuse of an existing parking lot and, if not, the visual and environmental impacts expected as a result of paving required; and sufficient ingress, egress and circulation for the safe loading and unloading of vehicles. **[Added 6-30-2021 by L.L. No. 6-2021; amended 4-12-2022 by L.L. No. 8-2022]**

- (22) Specialty motor vehicle limited showroom and sales, subject to obtaining a special use permit. **[Added 3-9-2022 by L.L. No. 6-2022]**
- (23) Air-supported dome structures, but only pursuant to the issuance of a special use permit, and subject to the additional special use permit requirements for air-supported dome structures set forth in this chapter.² **[Added 4-12-2022 by L.L. No. 9-2022]**

§ 295-26. Prohibited uses.

The following uses are prohibited in industrial districts:

- A. Single-family dwellings, two-family dwellings, multiple dwellings and apartments, boardinghouses and nursing homes.
- B. All uses of land, buildings and structures that may be noxious, offensive or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions.
- C. All uses prohibited in commercial districts by § 295-15 are prohibited in industrial districts unless expressly permitted herein.
- D. Unless permitted by way of special use permit per § 295-25A(15) and (16) above, any use not otherwise specified herein as permitted in an I District is prohibited. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- E. Motor vehicle showroom and sales, except as otherwise expressly permitted at § 295-25. **[Added 3-24-2021 by L.L. No. 2-2021; amended 3-9-2022 by L.L. No. 6-2022]**
- F. Cannabis retail dispensaries. **[Added 12-8-2021 by L.L. No. 15-2021]**
- G. Cannabis on-site consumption sites. **[Added 12-8-2021 by L.L. No. 15-2021]**

2. Editor's Note: See § 295-54.1.

§ 295-27. Building height limits. [Amended 4-12-2022 by L.L. No. 8-2022]

No building or structure shall be erected to a height in excess of 40 feet, except by a special use permit granted by the Town Board after a public hearing in accordance with the procedures as set forth in Article XII of this chapter.

§ 295-28. Yard requirements.

- A. There shall be a front yard depth of 125 feet, except that in the event that existing buildings within 200 feet on either side thereof extend nearer than 125 feet to a street line, such minimum front yard depth shall be the average setback of such existing buildings, but in no case less than 80 feet from a street line. The front yard depth of lots located on the inside part of a curve shall be measured from the nearest point of the cord connecting the arc establishing the front line of the lot to the main building line. This provision is for the purpose of establishing suitable front yards.
- B. Side yard width shall be five feet. Buildings, the exterior walls of which are constructed of noncombustible material, may be erected on lot lines where the adjoining property is classified as industrial or commercial district and a means of ingress to and egress from the rear parking and loading areas is provided. On corner lots, no buildings shall be nearer than 50 feet to the side line of the lot abutting the side street.
- C. Rear yard depth shall be 60 feet. This provision is for the purpose of establishing suitable loading and unloading areas and of providing suitable off-street parking areas. Rear yards may be reduced, by Planning Board approval, to 30 feet if no loading or unloading occurs in this area.
- D. Minimum transitional buffers shall be required as per § 295-32.
- E. Before any building permit may be issued for new buildings or structures in any industrial district, the applicant shall submit to the Planning Board, and obtain the approval of such Board on, plans with reference to shrubbery and landscaping and plans showing construction materials and lighting to be used so as to provide suitable construction materials and architectural designs in harmony with the character of the neighborhood. The applicant shall also submit to the Planning Board, and obtain approval of, all plans for parking of vehicles. Employee parking shall be generally in rear yards; customer parking only shall be normally permitted in front yards; and no docks or unloading platforms or facilities shall be placed in the front of any building.
- F. The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.