

§ 120-15. Limited Industrial (LI) Districts.

The purpose of a Limited Industrial District is to permit, where appropriate, the construction of facilities for research and development oriented industries and high technology and/or light manufacturing operations and business and professional offices. Areas for this zoning shall be identified by the Town Board or upon application. Areas shall be zoned as Limited Industrial Districts in accordance with the normal rezoning procedures. In researching its decision, the Town Board shall consider the general criteria set forth in this chapter, the current Comprehensive Plan for the Town, and this statement of purpose.

A. Permitted uses.

- (1) The following uses and their accessory uses are permitted after review by the Planning Board to determine conformance with the intent of this section:
 - (a) Scientific or engineering research and/or experimental development of materials, methods or products.
 - (b) Engineering design of products
 - (c) Manufacture of:
 - [1] Electric, electronic or optical instruments or devices;
 - [2] Scientific, laboratory and process control instruments and devices;
 - [3] Computers and data processing equipment.
 - (d) Light manufacturing, assembling, fabricating or packaging of products produced from previously prepared materials such as textiles, plastics, paper, leather, precious or semiprecious metals or stones, glass, ceramics, base metal bar, sheet and special shapes.
 - (e) Testing and repairing of the products or type of products which may be manufactured in the district.
 - (f) Support services for the facilities and employees of the district.
 - (g) Offices for professional, executive, engineering and administrative purposes. However, no more than 45% of the land area in a Limited Industrial District may be used for such purposes.
 - (h) Retail and service-type commercial businesses, except cannabis retail dispensaries and cannabis on-site consumption establishments. However, no more than 5% of the land area in a Limited Industrial District may be used for such purposes.
[Amended 7-12-2023 by L.L. No. 5-2023]
- (2) If a specific use originally permitted within a Limited Industrial District is proposed to be changed to a separate, different and distinct use, application must be made to the Planning Board for a new determination of conformance, at which time the Board may require that any and all phases of the operation which have become detrimental to the neighborhood be corrected.

- B. Special permit. The following uses and their accessory uses shall be permitted upon issuance of a special permit by the Planning Board in accordance with § 120-69: **[Amended 2-14-1997 by L.L. No. 1-1997 ; 5-13-1998 by L.L. No. 1-1998 ; 6-10-1998 by L.L. No. 2-1998 ; 3-10-2004 by L.L. No. 3-2004 ; 8-28-2013 by L.L. No. 3-2013]**
- (1) Uses not specifically listed above but deemed by the Planning Board to be similar in nature and compatible with the purposes of the Limited Industrial District, except cannabis retail dispensaries and cannabis on-site consumption establishments; provided, however, that in no event shall any explicitly prohibited use be allowed within the Town, whether in any LI (Limited Industrial) District, or otherwise. **[Amended 7-12-2023 by L.L. No. 5-2023]**
 - (2) Distribution centers with the following conditions:
 - (a) The minimum lot area shall be two acres.
 - (b) No more than 25% of the land area in each Limited Industrial District may be used for such purpose.
 - (c) Any vehicle or equipment repairs and service, including washing, shall be conducted within an enclosed building, except for fuel dispensing.
 - (d) Any outside storage of vehicles shall be screened from any adjacent site.
 - (e) The loading and unloading space must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the proposed use.
 - (f) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking as specified in § 120-57, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
 - (g) Loading and unloading area shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way.
 - (h) There shall be no retail uses associated with the distribution center.
 - (3) Telecommunications towers and accessory facilities or structures which are permitted only in accordance with the procedures and standards set forth in §§ 120-64 and 120-69.
 - (4) Sexually oriented businesses as regulated under Chapter 91, Sexually Oriented Businesses, of the Code of the Town of Rush.
- C. Site plan review. All proposed uses or developments in a Limited Industrial District shall be subject to site plan review in accordance with § 120-69.
- D. Prohibited activities. No land, building or premises may be used in any way which will cause or result in:
- (1) Dissemination of dust, smoke, observable gas or fumes, odor, noise, vibration or

excessive light beyond the immediate site of the building or buildings in which such use is conducted.

- (2) Menace to neighboring properties by reason of fire, explosion or other physical hazard, including radiation.
- (3) Harmful discharge of waste materials, including refuse and airborne or waterborne wastes.
- (4) Unusual traffic hazards or congestion.

E. General provisions.

- (1) Outside parking of vehicles or any other machinery or equipment, except during business hours, shall be permitted only upon issuance of a special permit by the Planning Board in accordance with the procedure set forth in § 120-69.
- (2) There shall be no outside storage of material, raw, processed or partially processed, in bulk or packages, except during actual construction on the site. There shall be no outside stockpiles or storage racks.
- (3) All equipment for the handling of material and processes shall be enclosed in a suitable building.
- (4) All waste, scrap, refuse, empty containers, drums, bottles and cartons shall be stored in suitable closed containers.
- (5) Notwithstanding the provisions of § 120-19, side and rear setbacks adjacent to any residential district shall be a minimum of 75 feet, of which 20 feet thereof shall be used to create a screened buffer zone. Such screening shall not be less than four feet in height and may be accomplished by deciduous and/or evergreen plantings or by a fence or masonry wall of acceptable design. All such buffers and screenings shall be properly maintained by the owner or owners of the screened industrial property.