

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 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]**

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).

2. Editor's Note: See § 295-54.1.

§ 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]

§ 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.

§ 295-28.1. Zoning conditions applicable to parcels in Industrial District. [Added 6-9-2022 by L.L. No. 12-2022]

The following additional zoning regulations (i.e., conditions and/or "specifics") shall apply to the parcels/lands identified below (via reference to the Zoning Map Designation), in addition to the regulations of the standard zoning district(s) pertaining to such lands (i.e., the regulations of the Industrial District), all as set forth below. Where there is any inconsistency between the regulations of the standard zoning district and these additional regulations, these additional regulations shall prevail.

- A. "Jefferson-Town Line, West Henrietta-Winton I Industrial" for lands at Zoning Map Designation: F(8).
- (1) The rezoning of the subject parcel is expressly subject to and conditioned upon the conveyance by the owners of the subject parcel of a portion thereof lying in the southeast corner of the parcel and more particularly described in Subsection (b)7 (Belmanor Park, Tax ID #163.05-1-1).
 - (2) That it is understood and agreed that there shall be no ingress or egress to and from the lands hereby rezoned and the portion thereof to be conveyed to the Town.
 - (3) That it is further understood that the Town shall erect and maintain at its own expense an appropriate fence along the lot lines adjoining the owner's remaining lands being hereby zoned industrial.
 - (4) That the owners may erect at their expense in a manner and location to be approved by the Town Board a suitable plaque commemorating the dedication of the subject portion of their lands to the Town of Henrietta for public purposes.
 - (5) That, as a further condition of rezoning, there shall be no connection of any access road to the lands hereby zoned industrial to and with streets and public ways within adjoining residential developments, including Pitts-Colony or Manordale Subdivision.
 - (6) That development within the parcel being hereby rezoned for industrial use shall be subject to appropriate setback and buffering requirements which may be hereafter imposed by the Town Board or Planning Board of the Town of Henrietta in accordance with law; provided, however, that the area conveyed and described in F(8)(b)[7] shall be deemed to meet the setback, buffering, and landscaping requirements for development in the area immediately adjoining the parcel conveyed which might be imposed to shield adjoining residential developments.

- (7) That all the tract or parcel of land situated in Town Lot 4, 2nd Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York, recorded as Tax Account No. 86-000 (Belmanor Park, Tax ID #163.05-1-1), containing 0.995 acres, more or less, shall be dedicated as public lands to the Town of Henrietta.

B. "Methodist Hill East I Industrial" for lands at Zoning Map Designation: F(13).

- (1) It is the legislative intent of this section to provide the lands on the north slope of this parcel which face high-density residential homes to have businesses and industry which will provide a pleasing buffer between the residential use, north of Calkins Road, and industrial use of the south slope, and Lehigh Station Road. In order to ensure this desire, the Town Board hereby requires that all projects to be located on the north slope facing Calkins Road shall be required to obtain a special use permit in accordance with the procedures set forth in Article XII of this chapter.
- (2) Permitted uses for the north slope, which is to an east-west line 2,500 feet south and parallel to the property line of Calkins Road:
 - (a) Woodworking industry.
 - (b) Optical industry, including manufacture and assembly of optical instruments, cameras, and associated photographic products.
 - (c) Electrical and electronic industry manufacturing or assembly.
 - (d) Industrial, scientific control, and temperature recording instrument manufacturing or assembly.
 - (e) Security systems manufacturing or assembly.
 - (f) Clothing industry manufacturing and assembly.
 - (g) Building heating, ventilation, mechanical and plumbing equipment and supplies.
 - (h) Paper products manufacturing, assembly, or distribution.
 - (i) Communication systems manufacturing or assembly.
 - (j) Furniture and business equipment manufacturing or assembly or distribution.
 - (k) Printing, lithography, and engraving.
 - (l) Machine shops and toolmaking (punch presses, drop hammers, etc., not over 20 tons).
 - (m) Food and drink processing.
 - (n) Offices and warehouses for industries listed above.
 - (o) Information and computer centers for industries listed above.
 - (p) Buildings and structures to house laboratories, scientific research centers, experimental and development centers, offices and administrative centers, in connection with the uses listed above.
 - (q) Multiple dwellings.

- (3) Prohibited uses for the north slope, which is to an east-west line 2,500 feet south and parallel to the property line of Calkins Road:
 - (a) Single-family dwellings, two-family dwellings, multi-family dwellings, 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.
 - (d) All uses prohibited in industrial districts by § 295-26.
 - (e) Meat processing and cold storage plants.
 - (f) Laundries and dry-cleaning plants.
 - (g) Creameries, milk condensing, and dairy product plants.
 - (h) No outside displays or storage of products of manufacture or assembly and automobile industry products including auto/truck sales, trailer/motor home, or farm/construction equipment sales.
- (4) The lands which front on Lehigh Station Road or otherwise not included on the north slope, as defined above, are considered the south slope of the parcel and shall comply with Article VIII of this chapter.
- (5) Site and permit requirements.
 - (a) There shall be a front yard depth of 125 feet fronting on Calkins Road. Employee parking shall not be permitted in the front yard setback area. Front setback on interior roads shall be 80 feet.
 - (b) The side setback shall be 30 feet which shall contain a fire lane on each side of a building. Side setback on interior corner roads shall be 50 feet.
 - (c) The rear yard depth shall be 60 feet. All loading docks shall be located in the rear of the building. Also, off-street parking and employee parking per § 295-44 shall be located at the rear or side of the building.
 - (d) There shall be a landscaped berm running east and west and 25 feet south of Calkins Road between West Henrietta Road and the Genesee Expressway. This berm shall be at least 10 feet high and have at least two live evergreen trees per 20 feet of length, or equivalent as approved by the Planning Board.
 - (e) There shall be no driveways or access roads within 300 feet west of Palo Alto Drive west right-of-way line extended and 500 feet east of Palo Alto Drive east right-of-way line extended. There shall be no more than two curb cuts on Calkins Road.
 - (f) Height of the buildings and structures shall be limited to 40 feet unless excepted by the conditions of the special use permit granted by the Town Board in accordance with the procedures set forth in Article XII of this chapter.
 - (g) Conditions for granting a building permit shall include but not be limited to:

[1] Approval of a site plan by the Town Planning Board, Conservation Board, Monroe County Planning Council, Director of Engineering and Planning, Town Fire Marshal, and the New York State Department of Environmental Conservation.

[2] Approval of plumbing and waste disposal plans by the Monroe County Health Department and Monroe County Pure Waters Agency.

[3] Approval of buildings plans by the Director of Building and Fire Prevention.

C. "West Hamlet Research Area I Industrial" for lands at Zoning Map Designation: F(14).

(1) Permitted uses.

(a) Scientific and engineering research and development.

(b) Buildings and structures to house laboratories, scientific research centers, experimental development centers, offices and administrative centers in connection with the use provided above.

(c) Any industrial use not specifically enumerated here and not specifically prohibited may be permitted upon obtaining a special use permit from the Town Board after notice and public hearing in accordance with the procedures set forth in Article XII of this chapter.

(2) Prohibited uses.

(a) All single-family, two-family, or multiple-family dwellings and nursing homes.

(b) All uses prohibited in commercial districts by §§ 295-15 and 295-16B, except that automobile dismantling may be conducted in connection with the permitted uses set forth above.

(c) 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, noise, vibration, or similar substances or conditions.

(3) Any buildings constructed within the West Henrietta Hamlet Historic District (also known as the West Henrietta Historic District) must have a facade that is consistent with the architecture of the District, as approved by both the Planning Board and the Henrietta Historic Site Committee.