

§ 120-80. Purpose. [Amended 12-20-2005 by Ord. No. 2005-394]

The M-1 Industrial District promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist in older two-story and multistory buildings. The obsolescence of many industrial buildings for traditional manufacturing purposes is recognized, and the reoccupancy and redevelopment of those buildings are encouraged through the allowance of retail sales and services, offices, eating and drinking establishments. Residential conversions are permitted primarily to accommodate loft-style living spaces and to meet the needs of those seeking the benefits of live-work arrangements.

§ 120-81. Permitted uses and structures. [Amended 6-17-2003 by Ord. No. 2003-183 ; 12-20-2005 by Ord. No. 2005-394]

A. The following uses are permitted in the M-1 District: [Amended 9-21-2010 by Ord. No. 2010-323 ; 7-19-2011 by Ord. No. 2011-247 ¹]

- (1) The following uses are permitted when conducted in a fully enclosed building:
 - (a) Research laboratories including testing facilities.
 - (b) Corporate headquarters, regional headquarters and their administrative offices.
 - (c) Local service offices such as real estate sales, insurance agencies, doctors' offices, or other offices typically found in commercial districts only when in a structure or integrated complex of at least 25,000 square feet of gross floor area.
 - (d) Manufacturing, high-tech or light industrial uses.
 - (e) Warehouses and wholesale distribution facilities.
 - (f) Mixed-use facilities, a minimum of 25,000 square feet at initial development, developed according to an approved site plan.
 - (g) Vehicle repair stations within an existing building, subject to the additional requirements for specified uses in § 120-152.
 - (h) Vehicle and equipment rental, sales and storage within an existing building, subject to the additional requirements for specified uses in Article XVIII.
 - (i) Recycling centers, subject to the additional requirements for specified uses in § 120-145.
 - (j) Technical and vocational schools.
 - (k) Animal hospitals and kennels including breeding, boarding and health care.
 - (l) Sexually oriented businesses, subject to the additional requirements for specified uses in § 120-148, including adult arcade, adult cabaret, adult movie theater, limited adult retail store, adult retail store and escort agency.

1. Editor's Note: This ordinance provided an effective date of 9-1-2011.

- (m) Self-service storage.
 - (n) ²Limited entertainment, not including sexually oriented uses. **[Added 11-12-2019 by Ord. No. 2019-325]**
- (2) Ancillary parking lots and garages, subject to the additional requirements for specified uses in § 120-131.
 - (3) Community garages and parking lots.
- B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes: **[Amended 9-21-2010 by Ord. No. 2010-323]**
- (1) Dwelling unit conversions.
 - (2) Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
 - (3) Retail sales and service; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours. **[Amended 9-19-2012 by Ord. No. 2012-363 ; 8-9-2016 by Ord. No. 2016-263 ; 11-3-2022 by Ord. No. 2022-322]**
 - (4) ³Offices and clinics. **[Amended 9-19-2012 by Ord. No. 2012-363]**
 - (5) Bars, restaurants and banquet facilities. **[Amended 9-19-2012 by Ord. No. 2012-363]**
 - (6) Public entertainment, subject to the additional requirements for specified uses in § 120-137. **[Amended 11-12-2019 by Ord. No. 2019-325]**
 - (7) Public and semipublic uses. **[Amended 7-19-2011 by Ord. No. 2011-247]**
 - (8) Day-care centers.
 - (9) Funeral parlors and mortuaries. **[Added 9-21-2010 by Ord. No. 2010-323]**
 - (10) Places of worship. **[Added 7-19-2011 by Ord. No. 2011-247]**
 - (11) Pawnbrokers. **[Added 8-9-2016 by Ord. No. 2016-263]**
 - (12) Secondhand dealers. **[Added 8-9-2016 by Ord. No. 2016-263]**
 - (13) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m. **[Added 11-3-2022 by Ord. No. 2022-322]**
- C. When developed in conjunction with approved industrial uses, the following uses are permitted in the M-1 District, provided that such limited uses constitute no more than 15%

2. Editor's Note: Former Subsection A(1)(n), Retail sales and service, added 9-19-2012 by Ord. No. 2012-363, as amended, was repealed 9-14-2016 by Ord. No. 2016-303.

3. Editor's Note: Former Subsection B(4), Retail sales and service, specialty, added 9-19-2012 by Ord. No. 2012-363, was repealed 8-9-2016 by Ord. No. 2016-263, which ordinance also redesignated former Subsection B(5) through (11) as Subsection B(4) through (10), respectively.

of the developed floor area of the project: **[Amended 7-19-2011 by Ord. No. 2011-247]**

- (1) Bars, cocktail lounges and taverns.
- (2) Restaurants.
- (3) Day-care centers when located, arranged and integrated within the development to serve primarily the needs of employees and businesses in and near the M-1 District, and subject to the additional requirements for specified uses in § 120-135.
- (4) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours. **[Amended 11-3-2022 by Ord. No. 2022-322]**
- (5) Health clubs and similar facilities.
- (6) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m. **[Added 11-3-2022 by Ord. No. 2022-322]**

§ 120-82. (Reserved)⁴

§ 120-83. Special permit uses. [Amended 7-27-2004 by Ord. No. 2004-240 ; 12-20-2005 by Ord. No. 2005-394]

The following uses are allowed as special permit uses in the M-1 District:

- A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.
 - (1) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to operating during liquor store hours. **[Amended 9-19-2012 by Ord. No. 2012-363 ; 8-9-2016 by Ord. No. 2016-263 ; 11-3-2022 by Ord. No. 2022-322]**
 - (2) Offices or clinics.
 - (3) Bars and restaurants. **[Amended 9-19-2012 by Ord. No. 2012-363 ⁵]**
 - (4) Motels and hotels.
 - (5) Amusement centers. **[Amended 7-19-2011 by Ord. No. 2011-247]**
 - (6) Public and semipublic uses. **[Amended 7-19-2011 by Ord. No. 2011-247]**
 - (7) Health clubs. **[Amended 7-19-2011 by Ord. No. 2011-247]**

4. Editor's Note: Former § 120-82, Limited uses and structures, as amended, was repealed 12-20-2005 by Ord. No. 2005-394. See now § 120-81.

5. Editor's Note: This ordinance also repealed former Subsection A(4), Restaurants, and provided for the redesignation of former Subsection A(5) through (11) as Subsection A(4) through (10).

- (8) Mixed uses. **[Amended 7-19-2011 by Ord. No. 2011-247]**
 - (9) Public entertainment, subject to the additional requirements for specified uses in § 120-137. **[Amended 7-19-2011 by Ord. No. 2011-247 ; 11-12-2019 by Ord. No. 2019-325]**
 - (10) Places of worship.⁶ **[Amended 7-19-2011 by Ord. No. 2011-247]**
 - (11) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m. The Planning Commission may extend the permissible operating hours to bar hours later than 11:00 p.m. if it finds such action is warranted by reason of unique conditions of the particular operating space or by reason of the particular character of surrounding tenant spaces and properties. **[Added 11-3-2022 by Ord. No. 2022-322]**
- B. Manufacturing, high-tech or light industrial, and all vehicle-related uses when not conducted in a fully enclosed building.
- C. The following uses, when located at least 200 feet from any residential or open-space district:
- (1) ⁷Concrete batching and asphalt mixing.
 - (2) Fuel and oil distributors.
 - (3) Food processing.
 - (4) Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.
 - (5) Similar manufacturing uses as determined by the Manager of Zoning. **[Amended 6-16-2009 by Ord. No. 2009-179 ; 6-20-2017 by Ord. No. 2017-170]**
- D. Homeless shelters, subject to the additional requirements for specified uses in § 120-141.
- E. Homeless residential facilities, subject to the additional requirements for specified uses in § 120-140.
- F. Public and semipublic uses, including but not limited to library, police stations and fire stations but excluding schools.
- G. Public utilities, subject to the additional requirements for specified uses in § 120-144.
- H. Entertainment uses, parks, playfields, playgrounds, stadiums, and outdoor recreations.
- I. Truck centers, subject to the additional requirements for specified uses in § 120-150.
- J. Railroad yards and freight centers.
- K. Waste stations, subject to the additional requirements for specified uses in § 120-155.

6. Editor's Note: Former Subsection A(11), Pawnbrokers, as amended, which immediately followed this subsection, was repealed 8-9-2016 by Ord. No. 2016-263.

7. Editor's Note: Former Subsection C(1), concerning outdoor storage and sales of construction items, was repealed 9-21-2010 by Ord. No. 2010-323, which ordinance also provided for the renumbering of former Subsection C(2) through (6) as Subsection C(1) through (5), respectively.

- L. Junkyards or salvage yards, subject to the additional requirements for specified uses in § 120-142 and the following: **[Amended 9-21-2010 by Ord. No. 2010-323]**
 - (1) All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.
 - (2) Storage piles shall not exceed the height of the fence surrounding the materials.
- M. The new construction of vehicle-related uses, including car washes, vehicle service and repair stations, vehicle rental services and vehicle sales, subject to the additional requirements for specified uses in Article XVIII. **[Added 9-21-2010 by Ord. No. 2010-323]**
- N. Outdoor storage/sales of construction materials, equipment and vehicles subject to § 120-175. **[Added 9-21-2010 by Ord. No. 2010-323]**
- O. Animal hospitals and kennels when not within a fully enclosed building. **[Added 7-19-2011 by Ord. No. 2011-247]**
- P. Outdoor activities accessory to a permitted use. **[Added 7-19-2011 by Ord. No. 2011-247]**
- Q. Shooting ranges subject to the additional requirements for specified uses in § 120-148.1. **[Added 7-19-2011 by Ord. No. 2011-247]**
- R. Solar energy system, subject to a marketability analysis as set forth in § 120-192 and subject to the requirements for specified uses in § 120-148.2. **[Added 9-16-2015 by Ord. No. 2015-295]**