

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON AUGUST 21, 2024 AT 6:00 P.M.

RESOLUTION #17-261/2024                      To adopt Local Law No. 5 of 2024 to amend the Zoning Code of the Town of Henrietta to further encourage the revitalization of vacant, dormant, and/or dilapidated commercial properties, and to expand the development of affordable housing for persons of low or moderate income.

On Motion of  
Supervisor Schultz

Seconded by  
Councilmember Bellanca

WHEREAS, the Henrietta Town Board approved an update to the Comprehensive Land Use Plan via Town Board Resolution #5-103/2019 which introduced Mixed-Use Overlay Districts, including the Mixed-Use Revitalization Area, and was added to the Town Code by Local Law No. 3 of 2019 by Resolution #5-104/2019; and

WHEREAS, the Henrietta Town Board added Incentive Zoning through the 2021 Supplement to the 2019 Comprehensive Land Use Plan Update by Town Board Resolution #15-180/2021, including the Commercial Revitalization Incentive Zone, and was added to the Town Code by Local Law No. 7 of 2021 by Resolution #15-181/2021; and

WHEREAS, the purpose and intent behind these two programs was to encourage the reuse of long dormant buildings and the revitalization of tired retail areas in Town; and

WHEREAS, allowing additional complementary uses for these revitalization projects was one of the driving factors behind the creation of the Mixed-Use Revitalization Area, as there are other potential complementary uses that could also be considered as part of an incentive zoning project; and

WHEREAS, current Town Code already considers affordable senior housing as an amenity for incentive zoning, and the Town Board wishes to expand this for the inclusion of any type of affordable housing, not just for seniors; and

WHEREAS, towards these goals, the Town Board is proposing a new local law to add complementary uses to the Commercial Revitalization Incentive Zone and expand the types of affordable housing, for both the Commercial B-1 and B-2 Zoning Districts as well as through the Mixed-Use Revitalization Area Overlay Districts; and

WHEREAS, a public hearing was called for, duly advertised for, and held on August 21, 2024 to hear public input on the matter; and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, specifically to add complementary uses as an incentive and expand the types of affordable housing as a benefit as part of incentive zoning for commercial revitalization.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 5 of 2024 to amend the Zoning Code of the Town of Henrietta to further encourage the revitalization of vacant, dormant, and/or dilapidated commercial properties, and to expand the development of affordable

housing for persons of low or moderate income.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta is hereby directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

# LOCAL LAW No. 5 of 2024

**A Local Law to amend the Zoning Code of the Town of Henrietta to further encourage the revitalization of vacant, dormant, and/or dilapidated commercial properties, and to expand the development of affordable housing for persons of low or moderate income.**

Be it enacted by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

## Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law § 10.

## Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 5 of 2024 to amend the Zoning Code of the Town of Henrietta to further encourage the revitalization of vacant, dormant, and/or dilapidated commercial properties, and to expand the development of affordable housing for persons of low or moderate income.

## Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the incentive zoning provisions of the Henrietta Zoning Code can be appropriately utilized to further encourage the revitalization of vacant, dormant and/or dilapidated commercial properties in the Town of Henrietta. The Town Board further finds and determines that the Town would benefit from the development of affordable housing for persons of low or moderate income in the commercial revitalization incentive zone, and that inclusion of same as an amenity is appropriate. Therefore, the Town Board adopts the following additions or modifications to the Henrietta Zoning Code.

## Section IV, Amendment

Section 295-34.3 of the Henrietta Town Code, Subsections B and C, regarding component uses and special permits are amended to read as follows, with Subsection C (3) added.

- B. Component Uses: Mixed uses shall be comprised of those component uses identified in the Mixed-Use Overlay Component Use Table set forth herein at Appendix A. Only those component uses indicated therein as "Allowed" shall be allowed as part of a mixed use, except those uses indicated as "S" or "S+" indicating they are "Allowed with Distinct Special Use Permit" or "Allowed with Distinct Special Use Permit as Incentive for Revitalization," respectively, shall also be allowed as part of a mixed use, but only with an additional special use permit.
- C. Special Use Permits for Component Uses: Component uses identified as "S" or "S+" indicating they are "Allowed with Distinct Special Use Permit" or "Allowed with Distinct Special Use Permit as Incentive for Revitalization," respectively, on the Mixed-Use Overlay Component

Use Table shall also be allowed as part of a mixed use, but only where an additional special use permit, distinct from the mixed-use special use permit, is issued by the Town Board.

- (3) For those uses identified as “S+”, indicating they are “Allowed with Distinct Special Use Permit as Incentive for Revitalization,” the approval for such use must be part of an incentive zoning package for revitalization and can be approved under the same special use permit as the incentive zoning package or as an additional distinct special use permit, at the discretion of the Town Board.

Section 295-34.3, Appendix A, pertaining to the Mixed-Use Revitalization Area (MURA) shall be amended to change the “X” designation to “S+” for the following commercial/industrial uses:

- Bowling Alleys
- Dressmaking, seamstress, tailor shops
- Enclosed accessory uses
- Miniature golf course
- Plumbing, heating, and electrical stores
- Radio and TV studios
- Shopping centers
- Theaters (outdoor and drive-in)
- Veterinarian medicine practices
- Wholesale house
- Plant nurseries
- Food processing, bottling, storage, packaging, and distribution
- Printing, lithographing, and engraving
- Self-storage facility
- Warehousing, storage, and distribution
- Hospital, public
- Schools

Section 295-34.11B. of the Henrietta Town Code setting forth Commercial Revitalization Incentive Zone incentives shall include the following Subsection B (2):

- (2) Complementary Uses Incentive: Complementary uses not normally allowed in a Commercial B-1 or B-2 zoning district or in a Mixed-Use Redevelopment Area or Mixed-Use Redevelopment Corridor overlay district as identified as “S+”, indicating they are “Allowed with Distinct Special Use Permit as Incentive for Revitalization,” on Appendix A under Town Code §295-43.3, whether being developed as part of an overlay district or developed as part of the underlying commercial district.

Section 295-34.12B. (1) and (3) regarding Commercial Revitalization Incentive Zone amenities shall be modified to read as follows:

- (1) Reuse and/or revitalization of long vacant, dormant, and/or dilapidated buildings and/or plazas: The determination of whether a building qualifies under this amenity is within the sole discretion of the Town Board.

- (3) Development of affordable housing for seniors or affordable housing for persons of low or moderate income.

[(b) Allowed only where such housing is permitted (and approved) pursuant to the Henrietta Town Code.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part, or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment, and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.