

**§ 295-16. B-2 Districts. [Amended 6-20-2001 by L.L. No. 3-2001]**

A. The following uses are permitted in B-2 Commercial Districts: **[Amended 6-21-2017 by L.L. No. 4-2017; 2-27-2019 by L.L. No. 3-2019]**

- (1) A residence or residences and private garages subject to all the regulations as to building height, lot occupancy, size of lot and yards, minimum building size and other regulations applicable to residences and garages in R-1-15 Residential Districts.
- (2) Banks.
- (3) Medical centers.
- (4) Offices and office buildings.
- (5) Professional buildings.
- (6) Any other business or commercial uses not specifically enumerated herein and not herein specifically prohibited by § 295-16B, upon obtaining a special use permit from the Town Board after notice and a public hearing in accordance with the procedures set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (7) Rooftop residential solar energy systems. **[Amended 11-16-2022 by L.L. No. 21-2022]**
- (8) Rooftop nonresidential solar energy systems. **[Added 11-16-2022 by L.L. No. 21-2022<sup>1</sup>]**
- (9) Small-scale solar energy systems. **[Amended 9-22-2021 by L.L. No. 12-2021]**
- (10) Medium-scale solar energy systems, subject to obtaining a special use permit. **[Amended 9-22-2021 by L.L. No. 12-2021]**
- (11) Multiple dwellings, upon issuance of a special use permit, all in accordance with § 295-13. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (12) Public parks, playgrounds and similar recreational areas and structures not operated for gain.
- (13) Churches, schools and institutions of higher education, public hospitals, public libraries and municipal and special district buildings, provided that no such building shall be located within 50 feet of any adjoining lot line, and off-street parking shall be provided as set forth in § 295-44.
- (14) Customary home occupations as defined in § 295-2, and provided that the office or studio is located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area

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1. Editor's Note: This local law provided for the renumbering of former Subsection A(8) through (16) as Subsection A(9) through (17).

of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in Chapter 224, Signs.

- (15) Child-care centers, day-care centers, nursery schools, preschool nurseries and family day-care homes shall be permitted under the following conditions.
- (a) Child-care centers, day-care centers, nursery schools and preschool nurseries shall be permitted when housed in an established church facility which shall be duly licensed by the New York State Department of Social Services and the building facilities of which shall be annually inspected by the Building Inspector or designee for compliance with all building and fire codes. The Building Inspector or designee shall issue a new certificate of occupancy as evidence that the facility is in compliance with the codes. The cost for such inspection and certificate of occupancy shall be included in a child-care center registration fee established by the Town Board. **[Amended 6-26-2019 by L.L. No. 5-2019]**
  - (b) Child-care centers, day-care centers, preschool nurseries and nursery schools, when not housed in an established church facility, shall apply to the Town Board for a special use permit as per the requirements of Article XII of this chapter. If such permit is granted, the licensing and inspection requirements at Subsection A(14)(a) above shall apply. **[Amended 4-12-2022 by L.L. No. 8-2022]**
  - (c) A family day-care home shall be housed in a single-family dwelling and shall be an accessory use to the principal use of the structure. The operation shall be licensed by the New York State Department of Social Services or certified by the Monroe County Department of Social Services. Such license and certification shall be available for inspection during normal daytime hours. A family day-care home shall provide child care for not more than six children based on the age formulas established in Part 458 of the regulations of the State Department of Social Services (Family Day-Care Homes). The building facilities shall be annually inspected by the Building Inspector or designee. The licensing and inspection requirements at Subsection A(14)(a) above shall apply. **[Amended 6-26-2019 by L.L. No. 5-2019]**
- (16) Nursing homes and comfort care homes, upon obtaining a special use permit from the Town Board in accordance with procedures as set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (17) Restaurants not serving alcohol, subject to obtaining special use permit, including additional requirements at § 295-54.1. **[Added 2-24-2022 by L.L. No. 4-2022]**
- B. The following uses are prohibited in B-2 Commercial Districts:
- (1) Amusement parks.
  - (2) Miniature golf courses.
  - (3) Automobile dismantling or junkyards, cloth clipping, sorting or bailing.

- (4) Used car lots.
  - (5) Junk, scrap metal, paper or rag storage.
  - (6) Airports.
  - (7) Cemeteries.
  - (8) Garbage, rubbish or refuse dumps.
  - (9) Public garages or gasoline filling stations.
  - (10) Poolrooms or billiard rooms.
  - (11) Bowling alleys.
  - (12) Dry-cleaning establishments.
  - (13) Billboards, meaning signs not used in connection with a commercial use conducted on the premises, except that signs used in connection with the sale, lease or development of these premises or adjoining premises shall be permitted, subject to the provisions of Chapter 224, Signs.
  - (14) Outdoor or drive-in theaters.
  - (15) Automobile showrooms.
  - (16) Outdoor or roadside stands, including fruit and vegetable stands and drive-up hot dog and ice cream stands.
  - (17) Bars, taverns and restaurants serving alcoholic beverages for on-premises consumption.
  - (18) Animal hospitals.
  - (19) Any use not otherwise enumerated herein as permitted in a B-2 District. **[Added 2-18-2015 by L.L. No. 1-2015]**
  - (20) Self-storage facilities. **[Added 8-8-2018 by L.L. No. 6-2018]**
  - (21) Cannabis retail dispensaries or other nonmedical cannabis business. **[Added 12-8-2021 by L.L. No. 15-2021; amended 7-31-2024 by L.L. No. 4-2024]**
  - (22) Cannabis on-site consumption sites. **[Added 12-8-2021 by L.L. No. 15-2021]**
  - (23) Smoke shops. **[Added 10-25-2023 by L.L. No. 10-2023]**
- C. Total building square footage on a site in a B-2 District shall not exceed 40,000 square feet and in no event more than 50% of the site area without a special use permit from the Town Board in accordance with procedures as set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- D. Minimum transitional buffers shall be required as per § 295-32 herein. **[Added 2-2-2000 by L.L. No. 1-2000; amended 2-27-2019 by L.L. No. 3-2019]**

- E. 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. **[Added 2-27-2019 by L.L. No. 3-2019]**