

ARTICLE X  
**Hamlet Business (HB) District**  
**[Added 1-10-1989 by L.L. No. 1-1989<sup>1</sup>]**

**§ 280-44. Purpose. [Amended 12-5-2017 by L.L. No. 20-2017]**

The purpose of the Hamlet Business (HB) District is to provide for business development in the hamlet central business areas, including retail, office and service uses, public and semipublic uses, as well as hotel and motel and multifamily residential development that will support and enhance the retail development and provide a focus for the hamlet area.

**§ 280-45. Use regulations. [Amended 5-9-1989 by L.L. No. 6-1989; 12-12-1989 by L.L. No. 23-1989; 7-31-1990 by L.L. No. 16-1990; 5-16-1994 by L.L. No. 9-1994; 11-26-1994 by L.L. No. 26-1994; 2-7-1995 by L.L. No. 3-1995; 10-17-1995 by L.L. No. 21-1995; 5-6-2003 by L.L. No. 10-2003]**

In the HB District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

A. Permitted uses. The following are permitted uses and, except for those uses permitted under Subsection A(1), (2), (3) and (20) hereof, are subject to site plan approval by the Planning Board:  
**[Amended 4-20-2004 by L.L. No. 11-2004]**

- (1) One-family detached dwelling. **[Amended 12-5-2017 by L.L. No. 20-2017]**
- (2) Two-family dwelling. **[Amended 12-5-2017 by L.L. No. 20-2017]**
- (3) Buildings, structures and uses owned or operated by the Town of Southold, school districts, park districts and fire districts.
- (4) Boardinghouses and tourist homes.
- (5) Business, professional and governmental offices.
- (6) Banks and financial institutions.
- (7) Retail stores, up to a maximum of 6,000 total square feet of gross floor area in any building (excluding unfinished basement and attic areas), notwithstanding the provisions of the Bulk Schedule for Business, Office and Industrial Districts.<sup>2</sup> Such retail stores greater than 3,000 total square feet shall comply with the retail building standards for HB

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1. Editor's Note: This local law also repealed former Art. IX, C-1 General Industrial District, as amended.

Districts listed below, in addition to the site plan requirements of this chapter:

(a) Building massing and facade treatment.

[1] Variation in massing.

[a] A standardized building mass shall be prohibited. For the purposes of this subsection, the term "standardized" shall include an array of articulated elements, layout, design, logos or similar exterior features that have been applied to four or more retail buildings nationwide.

[b] Exterior building walls facing side yards shall include materials and design characteristics consistent with those on the front of the building.

[2] Building walls that face public streets, connecting pedestrian walkways, or adjacent development shall meet the following standards:

[a] Facades shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or alternate architectural detail that defines human scale, along no less than 60% of the facade.

[b] To maintain the "Main Street" character in the Hamlet Centers, where practical, buildings shall be sited with a zero or minimum setback from the front property line or primary pedestrian walkways and be transparent between the height of three feet and eight feet above the grade of the walkway for no less than sixty 60% of the horizontal length of the building facade.

[3] Awnings.

[a] Awnings shall be no longer than a single storefront.

[b] Fabric awnings and canvas awnings with a matte finish are permitted. Awnings with high-gloss finish and illuminated, plastic awnings are prohibited.

[4] Customer entrances. Buildings shall have clearly defined, highly visible customer entrance(s) featuring no fewer than three of the following:

[a] Canopies or porticos;

[b] Overhangs;

[c] Recesses/Projections;

- [d] Arcades;
  - [e] Raised corniced parapets over the door;
  - [f] Peaked roof forms;
  - [g] Arches;
  - [h] Outdoor patios;
  - [i] Display windows;
  - [j] Architectural detail such as tile work and moldings integrated into the building structure and design; or
  - [k] Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- [5] Buildings containing a drive-through or drive-up window are prohibited.
- (b) Building materials.
- [1] All buildings should be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally colored, textured, or glazed concrete masonry units or glass.
  - [2] Exterior building materials shall not include the following:
    - [a] Smooth-faced gray concrete block, painted or stained concrete block, unfinished tilt-up concrete panels;
    - [b] Field-painted or pre-finished standard corrugated metal siding;
- (c) Signage.
- [1] Advertisements, including trademark logos and service marks, may not be affixed, painted or glued onto the windows of the business or onto any exterior structures, including waste disposal receptacles and flags.
  - [2] Florescent and backlit signs located within or on a building or structure and facing an exterior public space are prohibited.
- (d) Site design.
- [1] The principal building entrance shall face the primary street frontage and/or sidewalk where practical.
  - [2] New construction along primary pedestrian walkways within the Hamlet Centers shall have a zero or minimum setback from the sidewalk/front property line, whenever possible, to reinforce the "Main Street" street wall.
- (e) Off-street parking.

[1] Off-street parking shall not be located in the front yard between the front facade of the building(s) and the primary abutting street. Parking areas must be located in the side and rear yards of the building. Adequate parking shall be provided in accordance with that required by Article XVIII of this chapter of the Town of Southold Town Code.

[2] Parking areas shall be screened from adjacent properties, streets and public sidewalks, pursuant to § 280-95, Landscaped parking area.

- (8) Restaurants, excluding formula food and take-out restaurants.
  - (9) Bakeshops (for on-premises retail sale).
  - (10) Personal service stores and shops, including barbershops, beauty parlors, professional studios and travel agencies.
  - (11) Art, antique and auction galleries.
  - (12) Artists' and craftsmen's workshops.
  - (13) Auditoriums or meeting halls.
  - (14) Repair shops for household, business or personal appliances, including cabinet shops, carpenter shops, electrical shops, plumbing shops, furniture repair shops and bicycle and motorcycle shops.
  - (15) Custom workshops.
  - (16) Bus or train stations.
  - (17) Theaters or cinemas (other than outdoor).
  - (18) Libraries or museums.
  - (19) Laundromats.
  - (20) Bed-and-breakfast uses as set forth in and as regulated by § 280-13B(14).
  - (21) Multiple dwellings.
  - (22) Grocery stores up to a maximum of 25,000 square feet of gross floor area, exclusive of unfinished basements or attic areas, notwithstanding the provisions of the bulk schedule. **[Added 6-20-2006 by L.L. No. 8-2006]**
  - (23) Convenience stores. **[Added 11-4-2009 by L.L. No. 14-2009]**
- B. Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection B(10), which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board: **[Amended 6-20-2006 by L.L. No. 8-2006]**

- (1) Any special exception use set forth in and as regulated by § 280-13B(3) to (6) and (13) and (14) of the Agricultural-Conservation District.
- (2) Motel and hotel uses as set forth in and regulated by § 280-35B(4) of the Resort Residential (RR) District, except that minimum lot size shall be three acres.
- (3) Boarding and/or tourist homes as set forth and regulated by § 280-35B(5) of the Resort Residential (RR) District.
- (4) Fraternal or social institutional offices or meeting halls.
- (5) Drinking establishments.
- (6) Public garages.
- (7) Funeral homes.
- (8) Flea markets.
- (9) Takeout and formula food restaurants, subject to the following requirements:
  - (a) Adequate parking shall be provided in accordance with that required by Article XVIII, Parking and Loading Areas, of this chapter. All parking spaces shall be located within reasonable walking distance of the site or 300 feet, whichever is less. The improvement or development of municipal parking may be used to satisfy this requirement. The adequacy of municipal parking shall be determined by the Planning Board as part of its site plan review procedure by conducting a parking survey of the capacity of the existing municipal parking area to accommodate the projected increase in usage due to the introduction of the subject land use.
  - (b) An assessment of the potential traffic impacts of the proposed use must accompany the long environmental assessment form. The appropriate mitigation measures must be incorporated into the site plan.
  - (c) There shall be no counter serving outdoor traffic via a drive-in, drive-through, drive-up, drive-by or walk-up window or door.
  - (d) Exterior signage shall conform in all respects to Article XIX, Signs, of this chapter and, further, may not be lit from within.
  - (e) Advertisements, including trademark logos, may not be affixed, painted or glued onto the windows of the business or onto any exterior structures, including waste disposal receptacles and flags.
  - (f) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of

other buildings, public spaces and uses in the particular location.

- (10) Retail stores in excess of 6,000 total square feet of gross floor area in any building, up to a maximum of 12,000 total square feet of such gross floor area in any building (excluding unfinished basement and attic areas), subject to the following requirements: **[Added 6-20-2006 by L.L. No. 8-2006]**

(a) Compliance with the retail building standards listed below, in addition to the site plan requirements of this chapter.

[1] Building massing and facade treatment.

[a] Variation in massing.

[i] A standardized dominant building mass shall be prohibited. For the purposes of this subsection, the term "standardized" shall include an array of architectural elements, layout, design, logos or similar exterior features that have been applied to four or more retail buildings nationwide.

[ii] Exterior building walls facing side yards shall include materials and design characteristics consistent with those on the front of the building.

[iii] Building walls that face public streets, connecting pedestrian walkways, or adjacent development shall meet the following standards:

[A] Facades shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or alternate architectural detail that defines human scale, along no less than 60% of the facade.

[B] To maintain the "Main Street" character in the Hamlet Centers, where practical, buildings shall be sited with a zero or minimum setback from the front property line or primary pedestrian walkways and be transparent between the height of three feet and eight feet above the grade of the walkway for no less than 60% of the horizontal length of the building facade.

- [C] Buildings shall achieve architectural variation through the inclusion of architectural features such as columns, ribs or pilasters, piers, changes in wall planes and changes in texture or materials consistent with the architecture of adjacent buildings and community character.
- [b] Awnings.
  - [i] Awnings shall be no longer than a single storefront.
  - [ii] Fabric awnings and canvas awnings with a matte finish are permitted. Awnings with high-gloss finish and illuminated, plastic awnings are prohibited.
- [c] Customer entrances. Buildings shall have clearly defined, highly visible customer entrance(s) featuring no fewer than three of the following:
  - [i] Canopies or porticos;
  - [ii] Overhangs;
  - [iii] Recesses/Projections;
  - [iv] Arcades;
  - [v] Raised corniced parapets over the door;
  - [vi] Peaked roof forms;
  - [vii] Arches;
  - [viii] Outdoor patios;
  - [ix] Display windows;
  - [x] Architectural detail such as tile work and moldings integrated into the building structure and design; or
  - [xi] Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- [d] Buildings containing a drive-through or drive-up window are prohibited.
- [2] Building materials.
  - [a] All buildings should be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally colored, textured, or glazed concrete masonry units or glass.
  - [b] Exterior building materials shall not include the following:

- [c] Smooth-faced gray concrete block, painted or stained concrete block, unfinished tilt-up concrete panels;
  - [d] Field-painted or pre-finished standard corrugated metal siding.
- [3] Signage.
- [a] Advertisements, including trademark logos and service marks, may not be affixed, painted or glued onto the windows of the business or onto any exterior structures, including waste disposal receptacles and flags.
  - [b] Florescent and backlit signs located within or on a building or structure and facing an exterior public space are prohibited.
- [4] Site design.
- [a] The principal building entrance shall face the primary street frontage and/or sidewalk where practical.
  - [b] New construction along primary pedestrian walkways within the Hamlet Centers shall have a zero or minimum setback from the sidewalk/front property line, whenever possible, to reinforce the "Main Street" street wall.
- [5] Off-street parking.
- [a] Off-street parking shall not be located in the front yard between the front facade of the building(s) and the primary abutting street. Parking areas must be located in the side and rear yards of the building. Adequate parking shall be provided in accordance with that required by Article XVIII of this chapter of the Town of Southold Town Code,
  - [b] Parking areas shall be screened from adjacent properties, streets and public sidewalks, pursuant to § 280-95, Landscaped parking area.
- (b) The Planning Board shall determine that the proposed retail store(s) will not have an undue adverse impact on the community. In making such a determination, the Planning Board shall conduct or hire a consultant to conduct a Market and Municipal Impact Study, at the expense of the applicant. The study shall be completed within 90 days of receipt of all requested materials, and the applicant shall be afforded the opportunity to submit its own such study. The Planning Board shall make such determination within 30 days of its receipt of the study.



Such study shall include an analysis of the projected impact of the retail store(s) on:

- [1] The existing local retail market, including market shares, if applicable.
  - [2] The supply and demand for local retail space.
  - [3] Local wages, benefit and employment.
  - [4] Revenues retained within the local economies of the Town of Southold.
  - [5] Public service and facilities costs.
  - [6] Public revenues.
  - [7] Impacts on municipal taxes.
  - [8] Impacts of property values in the community.
  - [9] Effects on retail operations in the surrounding market area.
  - [10] Employee housing needs, if applicable.
  - [11] The Town of Southold's ability to implement its Comprehensive Plan consistent with the proposed project.
- (11) Conversion of existing space to affordable residential housing. **[Added 12-5-2017 by L.L. No. 20-2017]**
- (a) Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
  - (b) Converted space shall be limited to a maximum of six moderate-income residential rental units.
  - (c) As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied-for space to residential use within six months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight years from the date of granting.
  - (d) All converted affordable residential housing shall be subject to all Town and county building code and septic specifications.
  - (e) All converted affordable residential housing must have at least one parking space per unit.

- C. Accessory uses. The following uses are permitted as accessory uses and, except for residential accessory uses and signs, which are subject to Article XIX, are subject to site plan review:
- (1) Accessory uses as set forth in and regulated by § 280-13C(1) through (7) of the Agricultural-Conservation District, and subject to the conditions set forth in § 280-15 thereof.
  - (2) Apartments are permitted, subject to the following requirements: **[Amended 12-5-2017 by L.L. No. 20-2017]**
    - (a) The Building Department issuing an accessory apartment permit.
    - (b) The habitable floor area of each apartment shall be at least 350 square feet.
    - (c) The apartment shall have all requisite Suffolk County Department of Health approvals.
    - (d) Each apartment shall have at least one off-street parking space.
    - (e) Construction and/or remodeling of an existing structure to create an accessory apartment shall not trigger the need for site plan approval set forth specifically in § 280-127 and Article XXIV in general unless such construction or remodeling results in an increase of the foundation size of the structure.
    - (f) The apartment(s) shall not comprise more than 50% of the principal building.
    - (g) Each apartment on the subject property is to be occupied by either a property owner's immediate family member or an individual who is registered on the Southold Town Affordable Housing Registry and is eligible for placement prior to possession being taken.
  - (3) Convenience store located with a prior nonconforming gas station use (gas stations are not a permitted use in the HB Zone; however, there are a number of preexisting gas stations in operation) shall be considered an accessory use subject to site plan review, only if the following requirements are met: **[Added 11-4-2009 by L.L. No. 14-2009]**
    - (a) Maximum gross floor area of the retail store equals 800 square feet or less, including storage and counter area.
    - (b) Parking requirement equal to one space per 100 square feet of floor area devoted to retail sales area, including the sales counter and retail products storage. The gas station must still meet its parking requirement separately; however, each fuel dispenser can count as one parking space toward the convenience store requirement.

- (c) The physical design, including color and use of materials, of the establishment shall be sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location, and shall comply with the retail building standards in § 280-45A(7) (a) through (e) to the extent practicable.
  - (d) Signs for the convenience store shall conform with Article XIX of this chapter, and, further, may not be lit from within.
  - (e) Formula food franchises are not permitted within accessory convenience stores.
- (4) Convenience stores associated with gas stations that do not meet these requirements are considered a second principal use and must meet the minimum bulk schedule requirements (e.g., a gas station with a convenience store that is 1,200 square feet in size must have a minimum of 40,000 square feet of lot area). **[Added 11-4-2009 by L.L. No. 14-2009]**
- (5) Preexisting, nonconforming convenience stores with the proper approvals in place prior to the enactment of this subsection may continue as they are with no increase in size unless they can meet the requirements for a second principal use. **[Added 11-4-2009 by L.L. No. 14-2009]**

### **§ 280-46. Bulk, area and parking regulations.**

No building or premises shall be used and no building or part thereof shall be erected or altered in the HB District unless the same conforms to the Bulk Schedule and Parking and Loading Schedules incorporated into this chapter by reference, with the same force and effect as if such regulations were set forth herein in full.<sup>3</sup>

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3. Editor's Note: The Bulk Schedule is included at the end of this chapter, and the Parking and Loading Schedules are in §§ 280-78 and 280-79.