

ARTICLE XI  
**General Business (B) District**  
**[Added 1-10-1989 by L.L. No. 1-1989<sup>1</sup>]**

**§ 280-47. Purpose.**

The purpose of the General Business (B) District is to provide for retail and wholesale commercial development and limited office and industrial development outside of the hamlet central business areas, generally along major highways. It is designed to accommodate uses that benefit from large numbers of motorists, that need fairly large parcels of land and that may involve characteristics such as heavy trucking and noise.

**§ 280-48. Use regulations. [Amended 5-9-1989 by L.L. No. 6-1989; 8-1-1989 by L.L. No. 15-1989; 8-13-1991 by L.L. No. 19-1991; 7-13-1993 by L.L. No. 11-1993; 5-16-1994 by L.L. No. 9-1994; 11-29-1994 by L.L. No. 26-1994; 12-27-1994 by L.L. No. 30-1994; 2-7-1995 by L.L. No. 3-1995; 10-17-1995 by L.L. No. 21-1995; 11-19-2002 by L.L. No. 7-2002; 5-6-2003 by L.L. No. 9-2003]**

In the B District, no building or premises shall be used and no building or part thereof 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 uses are permitted uses and, except for those uses permitted under Subsection A(1), (12) and (13) hereof, are subject to site plan approval by the Planning Board:
- (1) Any permitted use set forth in and regulated by § 280-13A(2) and (3) of the Agricultural-Conservation District.
  - (2) Any permitted use set forth in and regulated by § 280-45A(3) to (22) of the Hamlet Business District, except Subsection A(7) as applicable in the Business District is herein modified as follows: **[Amended 6-20-2006 by L.L. No. 8-2006; 4-22-2008 by L.L. No. 3-2008]**
    - (a) Retail stores, up to a maximum of 8,000 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 4,000 total square feet shall comply with the retail building standards for B Districts 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 building mass shall be prohibited. For purposes of

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1. Editor's Note: Editor's Note: This local law also repealed former Art. X, Tourist Camps, Camp Cottages and Trailers.  
2. Editor's Note: The Bulk Schedule for Business Office and Industrial Districts is included at the end of this chapter.

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] 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. Retail buildings shall have clearly defined, highly visible customer entrance(s) featuring no less 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 primary 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:
    - [i] Smooth-faced gray concrete block, painted or stained concrete block, unfinished tilt-up concrete panels.
    - [ii] 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.
- [5] Off-street parking.
  - [a] No greater than 30% of the off-street parking spaces provided for all uses contained in the development's building(s) shall be located between the front facade of the building(s) and the primary abutting street. 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.
- (3) Wholesale businesses, private warehousing and public warehousing, and building material storage and sale, but excluding storage of coal, coke, fuel oil or junk.
- (4) Building, electrical and plumbing contractors' businesses or yards.
- (5) Cold storage plants, baking and other food processing and packaging plants that are not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluent.
- (6) Wholesale or retail sale and accessory storage and display of garden materials, supplies

and plants, including nursery operations, provided that the outdoor storage or display of plants and materials does not obstruct pedestrian flow or vehicular traffic and does not occur within three feet of the property line.

- (7) Wholesale/retail beverage distribution.
  - (8) Funeral homes.
  - (9) Train or bus stations.
  - (10) Telephone exchanges.
  - (11) Wineries which meet the following standards:
    - (a) It shall be a farm winery licensed under New York State law from which wine made from primarily Long Island grapes is produced and sold.
    - (b) It shall obtain site plan approval.
    - (c) It shall have retail sales on site.
  - (12) One-family detached dwelling, not to exceed one dwelling on each lot.
  - (13) Two-family dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.
  - (14) Convenience stores.<sup>3</sup> [**Added 11-4-2009 by L.L. No. 14-2009**]
- B. Uses permitted by special exception by the Zoning Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection B(17), which may be permitted as a special exception by the Planning Board, and all such special exception uses except Subsection B(18) shall be subject to site plan approval by the Planning Board. [**Amended 6-20-2006 by L.L. No. 8-2006; 12-5-2017 by L.L. No. 20-2017; 6-7-2022 by L.L. No. 5-2022**]
- (1) Any special exception use as set forth in and regulated by § 280-13B(2) to (12), except wineries are not required to be in connection with a vineyard.
  - (2) Hotel or motel uses as set forth in and regulated by § 280-35B(4) of the Resort Residential (RR) District, except that the minimum lot size shall be three acres.
  - (3) Bed-and-breakfast enterprises or boarding and/or tourist homes as set forth in and regulated by § 280-13B(14) of the Agricultural-Conservation District, except that no site plan approval is required.
  - (4) Tourist camps as regulated by Chapter 253, Tourist and Trailer Camps, of the Town Code.
  - (5) Research, design or development laboratories, provided that any manufacturing shall be limited to prototypes and products for testing.

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3. Editor's Note: Former Subsection A(15), Transient rental properties, which immediately followed was repealed 1-18-2022 by Res. No. 2022-117, which resolution repealed L.L. No. 22-2021.

- (6) Fully enclosed commercial recreation facilities, including but not limited to tennis clubs, skating rinks, paddle tennis, handball and squash facilities, dance halls, billiard parlors, bowling alleys, health spas and clubs and uses normally accessory and incidental to commercial recreation, such as locker rooms, eating and drinking facilities and retail sale of goods associated with the particular activity.
- (7) Laundry or dry-cleaning plants, subject to the following conditions:
  - (a) All processes and storage shall be carried on within an enclosed building.
  - (b) All fluids used in processing shall be recycled, and the overall facility shall be designed, located and operated to protect surface waters and the groundwater reservoir from pollution.
- (8) Fraternal or social institutional offices or meeting halls (nonprofit).
- (9) Take-out restaurants, provided that eating on the premises of the take-out restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure and where the minimum lot size for a freestanding structure is 40,000 square feet.
- (10) Drinking establishments.
- (11) Automobile laundries.
- (12) Public garages, gasoline service stations, new and used motor vehicle lots, vehicle sales and rental, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities, all subject to the following requirements:
  - (a) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet and not more than 30 feet and shall be located not less than 10 feet from any property line and shall be so laid out as to avoid the necessity of any vehicle backing out across any public right-of-way.
  - (b) Sale of used vehicles or boats shall be conducted only as accessory to the sale of new vehicles or boats.
  - (c) Vehicle lifts or pits, dismantled automobiles, boats and vehicles and all parts or supplies shall be located within a building.
  - (d) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building.
  - (e) The storage of gasoline or flammable oils in bulk shall be located fully underground and not less than 35 feet from any property line other than the street line.
  - (f) No gasoline or fuel pumps or tanks shall be located less than 15 feet from any street or property line.
  - (g) No gasoline service or repair shops or similar businesses are to be located within 300 feet of a church, public school, library, hospital, orphanage or rest home.

- (13) Partial self-service gasoline service stations, subject to all of the provisions of § 280-48B(12) herein and the following additional requirements:
- (a) Each partial self-service gasoline facility shall have a qualified attendant on duty whenever the station is open for business. It shall be the duty of the qualified attendant to control and operate both the console regulating the flow of gasoline to the dispensing equipment thereafter to be operated by the customer at the self-service pump island and the dispensing equipment on the other pump islands.
  - (b) Gasoline shall at no time be dispensed without the direct supervision of the qualified attendant. A control shall be provided which will shut off the flow of gasoline to the dispensing equipment at the self-service pump island whenever the qualified attendant is absent from the control console for any reason whatever, including when he is operating the dispensing equipment on the other pump islands.
  - (c) The console regulating the flow of gasoline to the remote dispensing equipment thereafter operated by the customer at the self-service pump island shall be situated in such a manner as to give the qualified attendant controlling said console an unobstructed view of the operation of said remote dispensing equipment.
  - (d) The self-service pump island shall have controls on all pumps that will permit said pumps to operate only when a dispensing nozzle is removed from its bracket on the pump and the switch for this pump is manually operated.
  - (e) The self-service pump island shall be protected by an automatic fire-protection system in the form of an approved system of dry powder release which will act as an automatic fire extinguisher.
  - (f) No customer shall be permitted to dispense gasoline unless he shall possess a valid motor vehicle operator's license.
  - (g) There shall be no latch-open device on any self-service dispensing nozzle.
- (14) Private transportation service, including garage and maintenance facilities.
- (15) Formula food restaurants located within a shopping center in this zone, subject to the following requirements:
- (a) There must be sufficient parking as provided for by the Article XVIII, Parking and Loading Areas, of this chapter, and such parking area shall be available within the shopping center site to accommodate the use.
  - (b) The operation of the establishment shall not create traffic problems.
  - (c) There shall be no counter serving outdoor traffic via a drive-in, drive-through, drive-up, drive-by or a 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 structure, including waste disposal receptacles and flags.
  - (f) The signage must conform to the existing color theme and signage style of the shopping center.
  - (g) The existing exterior architectural style of the shopping center building may not be altered or modified in any way to accommodate the proposed use.
  - (h) The use must be located within the shopping center's main primary building complex and may not be located within a single freestanding structure within the shopping center site.
- (16) Flea markets.
- (17) Retail stores in excess of 8,000 total square feet of gross floor area in any building, up to a maximum of 15,000 total square feet of such gross floor area in any building (excluding unfinished basement and attic areas), subject to the following requirements:
- (a) Compliance with the retail building standards for B Districts 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 building mass shall be prohibited. For 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] 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. Retail buildings shall have clearly defined, highly visible customer entrance(s) featuring no less 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 primary 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:
    - [i] Smooth-faced gray concrete block, painted or stained concrete block, unfinished tilt-up concrete panels.
    - [ii] 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.
- [5] Off-street parking.
- [a] No greater than 30% of the off-street parking spaces provided for all uses contained in the development's building(s) shall be located between the front facade of the building(s) and the primary abutting street. 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.

(18) Conversion of an existing building to apartments as set forth in and regulated by § 280-38B(6) of the Residential Office District.

C. Accessory uses. The following uses are permitted as accessory uses and, except for residential accessory uses and signs, which are governed by Article XIX, are subject to site plan review:

- (1) Accessory uses set forth in and as regulated by § 280-13C(1) through (8) and (10) of the Agricultural-Conservation District, subject to the conditions set forth in § 280-15 thereof.
- (2) Open storage of materials or equipment, provided that such storage shall be at least 25 feet from any lot line, not be more than six feet high and be suitably screened by a solid fence or other suitable means of at least six feet in height.
- (3) Apartments are permitted within the principal building only, subject to the following requirements:
  - (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) There shall be no more than three apartments created or maintained in any single structure.
  - (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 40% of the principal building.
- (4) Convenience store located with a gas station use 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 and gas station shall conform with Article XIX of this chapter.
- (e) Formula food franchises are not permitted within accessory convenience stores.
- (5) 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 60,000 square feet of lot area). **[Added 11-4-2009 by L.L. No. 14-2009]**
- (6) Preexisting, nonconforming convenience stores with the proper approvals in place prior to the enactment of this law may continue to operate as a nonconforming use 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]**

#### **§ 280-49. Bulk, area and parking requirements.**

No building or premises shall be used and no building or part thereof shall be erected or altered in the B 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>4</sup>

#### **§ 280-50. Front yard setbacks. [Added 8-22-1995 by L.L. No. 18-1995]**

- A. Structures shall be set back at least 100 feet from the right-of-way.
- B. There shall be an exception to Subsection A if the adjacent parcels are developed, in which case the minimum front yard setback shall be the average of the setbacks of the adjacent parcels.
- C. A project shall be divided into separate structures so that no single structure shall have more than 60 linear feet of frontage on one street. The setbacks of multiple structures on a parcel may vary, provided that the average setback of the structures meets the setback required above and all buildings are at least 75 feet from the right-of-way.

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4. 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.