ARTICLE X
Hamlet Business (HB) District
[Added 1-10-1989 by L.L. No. 1-1989[1]]

§ 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; 4-20-2004 by L.L. No. 11-2004; 6-20-2006 by L.L. No. 8-2006; 11-4-2009 by L.L. No. 14-2009; 12-5-2017 by L.L. No. 20-2017; 12-14-2021 by L.L. No. 22-2021; 1-18-2022 by Res. No. 2022-117; 6-7-2022 by L.L. No. 5-2022; 12-3-2024 by L.L. No. 21-2024]

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:

> **Policy Decision**:
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> This code is proposing to disincentivize the use of land in the hamlet centers for one-family dwellings – one per lot. This proposed draft attempts to do that by requiring that one-family or two-family dwelling units be built at a higher density than one per parcel. Also required is inclusionary zoning – 50% have to meet community housing standards.

(1) One-family detached dwellings

> Policy Decision: Apartment from accessory use to permitted use with inclusionary zoning requirements.
>
> The Hamlet Business District is located entirely in the hamlet centers where smart growth principles call for higher density. Allowing apartments as a permitted use will make it easier to create more rental dwelling units.
>
> Applying inclusionary zoning at the rate of 50% will help ensure they remain affordable.

(2) Two-family dwelling.

(3) Apartment.

[1] Editor's Note: This local law also repealed former Art.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

(a) 50% of the apartments must meet the requirements for community housing pursuant to Chapter 112 Community Housing Administration.

(b) In the event only one apartment is created, it shall meet the community housing requirements.

~~(3)~~(c) The market-rate apartments shall not receive certificates of occupancy before the community housing apartments.

(4) Multiple Dwelling.

(a) 50% of the dwelling units must meet the requirements for community housing pursuant to Chapter 112 Community Housing Administration.

(b) The market-rate dwelling units shall not receive certificates of occupancy before the community housing dwelling units.

~~(4)~~(5) Buildings, structures and uses owned or operated by the Town of Southold, school districts, park districts and fire districts.

Note: This is an obsolete use and could be a loophole for short term rentals.

~~(5) Boardinghouses and tourist homes.~~

(6) Business, professional and governmental offices.

(7) Banks and financial institutions.

(8) 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.[2] Such retail stores greater than 3,000 total square feet shall comply with the retail building standards for HB Districts listed below, in addition to the site plan requirements of this chapter:

(a) Building massing and facade treatment.

[1] Variation in massing**….*(additional details for this use omitted to save paper)***

(9) Restaurants, excluding formula food and take-out restaurants.

(10) Bakeshops (for on-premises retail sale).

(11) Personal service stores and shops, including barbershops, beauty parlors, professional studios and travel agencies.

(12) Art, antique and auction galleries.

(13) Artists' and craftsmen's workshops.

(14) Auditoriums or meeting halls.

(15) 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.

(16) Custom workshops.

(17) Bus or train stations.

(18) Theaters or cinemas (other than outdoor).

(19) Libraries or museums.

(20) Laundromats.

(21) Bed-and-breakfast uses as set forth in and as regulated by § 280-13B(14).

(22) Multiple dwellings.

(23) 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.

(24) Convenience stores.

(25) Day-care center.

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 except Subsection B(11) shall be subject to site plan approval by the Planning Board:~~

(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)~~(3) Fraternal or social institutional offices or meeting halls.

~~(5)~~(4) Drinking establishments.

~~(6)~~(5) Public garages.

~~(7)~~(6) Funeral homes.

~~(8)~~(7) Flea markets.

~~(9)~~(8) 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)~~(9) 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:

(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. ***….(additional details for this use omitted to save paper)***

Note: This becomes obsolete in the HB district since apartments are now a permitted use.

~~(11) 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 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.

Note: Apartments are now a permitted use – no need for them to be in accessory section.

~~(2) Apartments are permitted, 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) 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)~~(2) 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:

(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)~~(3) 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).

~~(5)~~(4) 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.

§ 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~~bulk, area and dimensional

requirements set forth in the table below and to the 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.[3]

Policy Decision:

Gradually moving the bulk schedules into each zoning district, beginning with the Hamlet Business Zone. It makes sense for this one now given our goal of allowing higher density in a more form-based way in the hamlet centers.

See bulk schedules for edits there, and the replacement table below to be include in this 280-46

[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.

Bulk Schedule for the Hamlet Business (HB) District

Minimum lot area requirements for subdivision	
Lot size (square feet)	20,000
Lot width (feet)	60
Lot depth (feet)	100
Development Standards	
Front yard setback (feet)	15 except may be less to match an established street wall
Side yard setback (feet)	10
Both side yards (feet)	25
Rear yard (feet)	25
Landscape area minimum (percent)	25
Lot coverage maximum (percent)	40
Building height maximum (feet)	35
Number of stories maximum	2
Density requirements for Motel, Hotel or Conference Center	Minimum Lot Area per guest unit (sq. ft.)
Guest unit without community water or community sewer	6,000
Guest unit with community water	6,000
Guest unit with community water and community sewer	4,000

NOTE: All references to other sections need cross checking