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March 14, 2008

**Municipal Code**  
**Town of Southampton, NY**

**Chapter 330: ZONING**

**ARTICLE XXVI Planned Development District [Added 9-26-1995 by L.L. No. 46-1995]**

**§ 330-240. Findings and purpose. [Amended 10-23-2001 by L.L. No. 43-2001]**

- A. It is hereby found and determined by the Town Board of the Town of Southampton that there exists in the Town vast but diminishing natural resources and tracts of land deserving of preservation and maintenance for this and future generations. This need is balanced by a need to accommodate and provide for the future economic welfare and development of the Town.
- B. The purpose of this planned development district (PDD) legislation is to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design of residential, mixed use, commercial and industrial areas than is presently achievable under conventional land use techniques and zoning regulations and to preserve, adapt and improve existing open space, land uses and communities, consistent with the recommendations of the Town's Comprehensive Plan. The implementation of planned development shall be established on a floating zone basis with attendant controls and regulations intended to provide the means to accomplish the salutary purposes and goals set out herein.
- C. A planned development district may be established as a receiving site for development rights or Pine Barrens credits pursuant to the applicable transfer of development right portions of this chapter and § 261-a of the Town Law of the State of New York. Said transfer shall be consistent with the recommendations of the Central Pine Barrens Comprehensive Land Use Plan and/or the Town's Comprehensive Plan.
- D. A planned development district may be established as a method of providing incentives or bonuses for development providing substantial community benefits or amenities pursuant to the applicable provisions of this article and § 261-b of the Town Law of the State of New York. The development incentives or bonuses and the community benefits or amenities shall be consistent with the recommendations of the Central Pine Barrens Comprehensive Land Use Plan and/or the Town's Comprehensive Plan.
- E. The various long-term goals which the Town Board wishes to achieve by this legislation are:
  - (1) Preservation and conservation of open space, natural resources, diverse ecological communities, species diversity, and groundwater quality and quantity.
  - (2) Connection of open space systems and maximization of open space corridors and to establish and maintain open space and open space corridors for active and passive uses.
  - (3) Preservation of agricultural lands and uses.
  - (4) Increase consideration of and coordination with school districts, utilities and governmental services.
  - (5) Encourage the most efficient and purposeful use of all remaining vacant land.
  - (6) Preservation and improvement of existing smaller communities.

- (7) Preservation of a sense of place in communities and the creation and reestablishment of small hamlet communities and atmosphere which foster the sharing of amenities and the utilization of local services.
- (8) Creation of planned residential communities providing an array of housing meeting the social and economic needs of the residents of the hamlets, the Town and the region.
- (9) Reduction in the effective cost of governmental and other public services.
- (10) Elimination of excessive and inefficient infrastructure and the minimization of infrastructure development and maintenance costs and maximization of efficiency and coordination of existing and planned transportation facilities and networks.
- (11) Prevention of inappropriate development on stale previously filed subdivision maps encompassing wetlands, high-water-table areas, steep slopes and other impractical or unsuitable terrain and topography.
- (12) Development of communities wherein, collectively, the mix of uses, aesthetically, physically, socially and economically encourages the creation and/or preservation of a sense of place, pride and values.
- (13) Provide flexible but definitive standards to facilitate innovative and creative land use planning and development techniques not possible under conventional zoning ordinances.
- (14) Encourage the development, rehabilitation and improvement of identifiable and unique historic and architecturally significant areas and communities, "main streets" and centers of residential, commercial and industrial activities.
- (15) Encourage comprehensive and innovative planning and design of the highest quality, utilizing and incorporating a variety of land uses.
- (16) Provide reasonable incentives and standards to encourage private participation in and compliance with the comprehensive goals of this article.
- (17) Assure that lands set aside for receiving or sending areas are consistent and harmonious with the Town's comprehensive land use objectives and locate areas permitted to be developed in such a manner as to maximize the continuity and connection of open spaces, preserves and wildlife corridors.

**§ 330-241. Definitions. [Amended 10-23-2001 by L.L. No. 43-2001]**

The terms and words used in this article shall be ascribed the meaning and uses generally attributable to them in the other sections of this chapter unless otherwise specifically interpreted or defined.

**§ 330-242. Classifications. [Amended 10-23-2001 by L.L. No. 43-2001]**

A. The following classifications of planned development districts (PDD) are hereby established:  
**[Amended 11-13-2001 by L.L. No. 51-2001]**

- (1) Residential (RPD).
- (2) Mixed Use (MUPD).
- (3) Commercial/Industrial (CIPD).
- (4) Recreation/Tourism (RTPD).
- (5) Maritime (MPD).

- (6) Uses not otherwise listed in other sections of this chapter but which are determined to provide substantial community benefits or amenities pursuant to the applicable provisions of this article and § 261-b of the Town Law of the State of New York, by specific Town Board resolution.
- B. The above-listed classifications may be considered on a floating zone basis, where all principal uses, special exception and accessory uses of the planned development are permitted in the previous underlying zoning districts. In such case, the restrictions, controls and incentives of the relevant planned development classification shall apply to the PDD to the exclusion of the underlying zoning classification. All properties meeting the standards and criteria set forth in the various tables, schedules, rules and regulations to be adopted consistent herewith and as may hereinafter be amended shall be deemed eligible to be treated as a PDD.
- C. In all cases where any principal use or accessory use proposed is not permitted in the underlying zoning district, an application for rezoning to a planned development district shall be required.

**§ 330-243. Planning and zoning approval. [Amended 10-23-2001 by L.L. No. 43-2001]**

The Town Board may rezone land from that of the underlying zoning district to a planned development district upon its own motion or by written application of the landowner pursuant to the provisions of this article and Article 16 of the New York State Town Law. The procedure for planning and zoning approval of a PDD listed in this article shall involve the following two-stage review process:

- A. Town Board approval of a preliminary development concept plan and the reclassification of a specific parcel(s) of land for development in accordance with that plan.
- B. Planning Board approval of the subdivision map or site plan.

**§ 330-244. Applications; review procedure. [Amended 8-10-1999 by L.L. No. 23-1999; 6-12-2001 by L.L. No. 20-2001; 10-23-2001 by L.L. No. 43-2001; 4-23-2002 by L.L. No. 5-2002; 12-10-2002 by L.L. No. 50-2002]**

- A. Presubmission conference. Prior to the submission of an application for a PDD, the applicant or his agent may meet with the Planning Board and/or the Town Board. The purpose of such conference shall be to discuss proposed uses or development in order to enable the applicant to have the benefit of the Planning Board's and Town Board's input as to form, design, conformity to the Comprehensive Plan, development constraints, zoning issues, environmental impacts and other issues before making a formal application.
- B. Submission. An application for the establishment of a PDD shall be submitted to the Town Board in 18 copies at a regularly scheduled meeting of said Board, except for the establishment of an Agricultural PDD, which must meet the submission requirements of Subsection B(12) of this section. The application shall include the following items of information:
  - (1) The name(s) and address(es) of the property owner(s) and the applicant (if different from the owner) and of the planner, engineer, architect, surveyor and any other professional engaged to work on the project. If the applicant is not the owner, written authorization to submit the application, signed by each owner of the property, shall accompany the application.
  - (2) A written statement describing the nature of the proposed project; an analysis of the relationship between the site, immediately adjoining properties, and surrounding

neighborhood; conformity to the Comprehensive Plan and/or the Central Pine Barrens Comprehensive Land Use Plan; the availability and adequacy of community facilities and utilities to serve the site; the safety and capacity of the street system in the area in relation to the anticipated traffic generation; Part I of an environmental assessment form; and such other information as may be required by law or may be determined necessary by the Town Board or the Planning Board to facilitate a review of the application under other provisions of this article.

- (3) A written statement outlining the proposed management and operation of the use and the expected population to be served.
- (4) A written statement supporting the need or demand for the proposed use within the Town of Southampton and setting forth the nearest location of a similar facility offering a like-kind service.
- (5) A preliminary development concept plan for the proposed project containing the following items:
  - (a) A survey map of the parcel(s) and a statement annexed to same, prepared by a land surveyor licensed to practice in New York State, showing the Suffolk County Tax Map number, the lot area of the parcel, terrain conditions such as topography, identification of soil types, existing drainage features, the extent of existing woodlands or wetlands, significant vegetation types, the location of existing structures, utility lines, easements and any restrictions on the property.
  - (b) A site location sketch indicating the location of the property with respect to neighboring streets and properties, including the names of all owners of property within 1,000 feet thereof, the land use of said properties and the existing zoning and the location of all zoning district boundaries in the surrounding neighborhood.
  - (c) A preliminary site plan or subdivision map indicating the approximate location, height and design of all buildings, the arrangement of parking spaces and access drives, the general nature and location of other proposed site improvements, landscaping and screening, storm drainage system, and water/sewer connection.
- (6) A statement setting forth the general time frame for staging and completion of the proposed project and, if the site is located in an area designated by the Town as a critical area, a specific reference to the mitigative measures intended to ensure that all environmental concerns will be met.
- (7) Where applicable, a statement setting forth the number of development rights or Pine Barrens credits that are to be transferred to the site or redeemed. Appropriate title and survey information, in the case of a TDR under other provisions of this chapter, or Pine Barrens credit certificate(s) related to the sending parcels shall be included.
- (8) Where applicable, a statement setting forth the specific community benefits or amenities to be offered or incorporated in the project, and the specific zoning incentive or bonus sought.
- (9) A fee schedule shall be established, and changed as needed, by resolution of the Southampton Town Board. A copy of the fee schedule is on file with the Town Clerk's office and the Department of Land Management. In addition to the above-referenced fee schedule, the Town Board may require an applicant to pay an amount, to be held in escrow and ultimately dispersed, to pay the costs incurred by the Town for all consulting services it may reasonably seek to engage, including, but not limited to: archaeological, engineering, planning, legal and clerical costs incurred in the processing and review of a proposed planned development district. Such amount deemed necessary for escrow shall be reasonably related to costs attendant to the Town's review, and such amount shall be computed by the Town Board in consultation with the applicant. Further, if such escrow payment is deemed necessary, this fee shall

be in addition to and exclusive of any fee(s) properly assessed to the applicant in connection with the SEQRA process. If necessary, the cost associated with obtaining a survey and title certification will be paid by the Town. **[Amended 1-27-2004 by L.L. No. 2-2004; 2-27-2007 by L.L. No. 6-2007]**

- (10) A disclosure affidavit in the form prescribed by the Town Board.
- (11) The name and address of the relevant fire department, ambulance/emergency medical services agency, and other municipal agencies or districts with jurisdiction over the subject property.
- (12) Submission requirements for Agricultural PDD to be submitted to the Town Board.
  - (a) The applicant shall submit 18 copies of an application form that has been approved by the Town Board that will contain the following information:
    - [1] The names and addresses of property owners and the applicant (if different from the owner). If the applicant is not the owner, written authorization to submit the application, signed by each owner of the property, shall accompany the application.
    - [2] The Suffolk County Tax Map numbers for parcel(s) that will be within the proposed Agricultural PDD.
    - [3] A written statement that the property owner(s) intend to maintain their property in a manner consistent with agricultural production as defined in § 301 of the Agriculture and Markets Law for a minimum of 10 years. A description of current agricultural production should be included with the written statement.
    - [4] A disclosure affidavit in the form prescribed by the Town Attorney.
    - [5] The name and address of the relevant fire department, ambulance/emergency medical services agency, and other municipal agencies or districts with jurisdiction over the subject property.
  - (b) A copy of the deed of the parcel(s).
  - (c) A survey of the property or map depicting the areas to be included within the proposed Agriculture PDD.
- (13) Appraisals submitted from appraisers approved by the Town that are on Suffolk County Division of Real Estate's approved appraiser list as follows: **[Added 12-12-2003 by L.L. No. 75-2003]**
  - (a) The appraised value of the parcel taking into account the underlying current zoning and any legal use of the property, including, but not limited to, preexisting nonconforming uses to which the owner is entitled; and
  - (b) The appraised value of the parcel, which reflects the uses and densities proposed under a planned development district.
  - (c) The applicant shall pay for the cost of the appraisals to the Town of Southampton. The appraisals shall be overseen by the Department of Land Management.
  - (d) Section 330-244B(13) shall not apply to agricultural PDDs.

C. Referral to Planning Board and other agencies.

- (1) Upon receipt of a fully completed application for the establishment of a PDD, eight copies of the entire application shall be referred to the Planning Board for review and recommendation. Within 45 days of the date of the Planning Board meeting at which

such referral is received, the Planning Board shall report its recommendation back to the Town Board. No action shall be taken by the Town Board except the action of scheduling a public hearing or the action of referring the proposed zoning amendment to the Suffolk County Planning Commission, until receipt of the Planning Board report or the expiration of the review period, whichever comes first. Said review period may be extended by mutual consent of the applicant, the Town Board and the Planning Board.

- (2) With regard to potential impacts to community services, the Town Board shall also transmit the application and/or solicit comments and preliminary review concerning the proposed PDD zoning designation from the Fire Marshal, the Fire Department with jurisdiction, or other municipal agencies or districts with jurisdiction, including agencies under contract to provide ambulance/emergency medical services to the subject property. For input from agencies under contract to provide ambulance/emergency medical services to the subject property, the Town Board shall refer conceptual plans to the EMS Advisory Association for its recommendations. The applicant shall be required to provide to the Town Board, as part of the application, the name and address of the applicable Fire Department, ambulance/emergency medical services, agency, and other municipal agencies or districts with jurisdiction over the subject property.

D. Reports from Planning Board and other agencies.

- (1) The Planning Board, in its report to the Town Board, may recommend approval, approval with modifications or disapproval of the establishment of the PDD.
- (2) The Fire Marshal, the Fire Department with jurisdiction, or other municipal agencies or districts with jurisdiction, including agencies under contract to provide ambulance/emergency medical services to the subject property, shall forward their comments on the applications for PDD zoning designation to the Town Board within 30 days of such request for comments and preliminary review. No response following such thirty-day period shall be construed as no potential adverse impacts to community services solicited upon preliminary review and no additional requirements deemed necessary by such agency for consideration by Board in its approval of the zone change.
- (3) In preparing its report and recommendation, the Planning Board shall take into consideration the recommendations of the Comprehensive Plan, the existing characteristics and arrangement of land uses in the area, the environmental and cultural aspects of the project site and its surroundings, the relationship of the proposed design and location of buildings on the site, traffic circulation on and off the site, the adequacy of available community facilities and utilities to service the proposed project, compliance of the proposed project with the standards and requirements of this chapter, the then-current need for the requested use(s), and such other factors as may be appropriately related to the purpose and intent of this article and other provisions of the Town Code. In the event of a recommendation for the disapproval, the Planning Board report shall contain detailed reasons for such recommendation.

- E. Public hearing. The public hearing shall be scheduled no later than 45 days from the date of the Town Board receipt of the Planning Board's report and recommendations with the same notice as prescribed by law for zoning amendments. The Town Board may schedule a public hearing simultaneously with the referral to the Planning Board, or, if the Town Board intends to review the Planning Board report prior to the first public hearing, the Town Board may wait until the Planning Board report on the zoning amendment has been received by the Town Board before a public hearing is scheduled on the application. In the case of an Agricultural PDD, the Town Board shall schedule and hold a public hearing, at the time of the Town Board referral, within 30 days of receipt of the report and recommendations of the Planning Board, or the expiration of the Planning Board review period, with the same notice as prescribed by law for zoning amendments.

- F. Town Board action. Within 60 days of the closing date of the public hearing, the Town Board shall either approve or disapprove the establishment of the PDD. Approval is required to authorize the applicant to proceed with the detail design of the proposed project in accordance with the concept design plan and the subsequent procedures and requirements of this article. The Town Board shall amend the official copy of the Zoning Map in accordance with any such approval and shall forward a copy of the resolution containing the decision of the Town Board to the Planning Board and the applicant. In the case of an Agricultural PDD, the Town Board shall take action within 30 days of the closing date of the public hearing.
- G. SEQRA. The Town Board shall consider each request for the establishment of a PDD to be a Type I action, except the SEQRA review of the establishment of an Agricultural PDD will also consider the Town of Southampton's generic environmental impact statement that considered the impacts of creating these Agricultural PDD's. Further SEQRA review will be required if and when the applicant submits a subdivision application for a parcel that has been zoned as an Agricultural PDD pursuant to Chapter 157 of the Town Code and for purposes of review under the applicable provisions of the New York State Environmental Quality Review Act (SEQRA). A long-form environmental assessment form shall be reviewed and the provisions of SEQRA complied with prior to Town Board approval of a PDD.
- H. Expiration of approval. Approval of the establishment of a PDD shall expire 24 months after the date of approval by the Town Board unless the applicant has applied for and received site plan or subdivision approval from the Planning Board in accordance with the subsequent requirements of this article and any other provisions of this chapter and unless the subdivision map is filed in the office of the Suffolk County Clerk or a building permit is issued and rights in said permit are vested within 36 months of Town Board approval. The Town Board, upon written request of the applicant received prior to the expiration of the above time frames, may extend both time frames for two additional periods of not more than six months each. In the event of an expiration of approval, the PDD shall automatically be removed from the subject property, it shall revert to its prior zoning classification, and the Town Clerk shall amend the official copy of the Zoning Map in accordance with any such expiration of approval. Approval for a specific PDD shall be use-specific and not entitle the substitution of another PDD without an entirely new application under this article. There shall be no expiration of the approval of the establishment of a PDD where the Town Board establishes said PDD on its own motion.
- I. Agricultural PDD term and expiration of approval.
  - (1) The term of the Agricultural PDD shall be for a minimum of 10 years and it shall remain in effect so long as a landowner utilizes the property for a use consistent with bona fide agricultural production as defined in § 301 of the Agriculture and Markets Law. When a landowner wishes to terminate the Agricultural PDD, he shall submit a written notice to this effect to the office of the Town Clerk, designating the termination date.
  - (2) A landowner may submit a subdivision application and develop the property as a conservation opportunities subdivision without waiting a minimum of 10 years after the Agricultural PDD has been approved. During the application process, the Agricultural PDD shall remain in effect.
  - (3) The landowner may sell development rights pursuant to § 330-244 at any time after the PDD has been granted.

#### **§ 330-245. General development standards.**

- A. No earth work, land clearing, construction or development shall take place on any property in a PDD except in accordance with the subdivision or site plan approved by the Planning Board in accordance with this article and the procedures and standards for site plan approval set forth in this chapter.
- B. In cases in which a proposed project also involves the subdivision of land, no development

may proceed until the Planning Board has granted final subdivision approval in accordance with the standards and procedures of Chapter 292 of this Code.

- C. Approval of a site plan for any of the uses listed in this article shall be conditioned upon sanitary waste discharge levels which are found to be acceptable by the Suffolk County Department of Health Services.
- D. Unless restricted otherwise herein, minimum yard setbacks, allowable lot coverage, maximum height or other dimensional requirements for any of the structures devoted to uses listed in this article shall be set by the Planning Board and delineated on the approved plan rather than determined by any other provisions in this Code, but shall in no event be less restrictive than those dimensions set forth on the preliminary site plan submitted in accordance with § 330-244 and upon which the Town Board placed reliance in approving the PDD amendment. The Town Board and Planning Board shall consider the dimensional requirements of the underlying zone as the initial basis for the development design.
- E. On-site parking and access requirements shall be determined by the Planning Board based upon the off-street parking schedule in this chapter and reasonable planning standards. Parking and access requirements shall not be less than those shown on the preliminary site plan unless the Town Board shall, by resolution, consent to any such reduction. The Town Board and Planning Board shall consider the requirements of the underlying zone as the initial basis for the development design.
- F. No planned development district shall be located within the Central Pine Barrens core preservation area as defined in § 330-217 of this chapter. **[Amended 12-21-2001 by L.L. No. 54-2001]**
- G. No planned development district shall be located within the Central Pine Barrens compatible growth area as defined in § 330-217 of this chapter or within a critical resource area as defined in § 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan, unless the proposed development adheres to the Commission's review pursuant to § 4.5.4 of the Central Pine Barrens Comprehensive Land Use Plan, provided that the PDD ensures enhanced protection of the critical resource feature for which the CRA is designated and if the PDD is located within the Aquifer Protection Overlay District, also complies with the minimum clearing restrictions set forth in § 330-67 and, if applicable, open space requirements of § 247-8. **[Amended 12-21-2001 by L.L. No. 54-2001]**
- H. A planned development district may be authorized where the Town Board finds that the development will be beneficial, compatible and harmonious with the surrounding land uses and not have a significant adverse impact upon the environment. The siting of a planned development district shall also be consistent with the recommendations of the Comprehensive Plan. **[Added 12-21-2001 by L.L. No. 54-2001]**

**§ 330-246. Development standards for specific PDD classifications. [Amended 11-13-2001 by L.L. No. 51-2001; 6-25-2002 by L.L. No. 19-2002; 12-23-2002 by L.L. No. 57-2002; 2-22-2005 by L.L. No. 5-2005]**

- G. Agricultural PDD. **[Added 10-23-2001 by L.L. No. 43-2001]**
  - (1) Purpose.
    - (a) The Agricultural PDD is intended to encourage the protection of farming and the business of farming in the Town of Southampton. The importance of agriculture as both a vital local economic base and as a land form that provides the Town of Southampton with much of its rural, rustic character and charm, has been recognized throughout the several regulatory mechanisms provided in the Code of the Town of Southampton. The Town Board also acknowledges that the impact of all regulatory mechanisms must be balanced against maintaining the farm owner's

equity in order to preserve the vitality of the agricultural industry.

- (b) To continue farming as a viable family business, Southampton's farm families must engage in frequent, if not constant, review of all available short- and long-term planning options. These options include agricultural tax abatement programs, land preservation programs offered by private conservation organizations, the Town, county and/or state, subdivision and other sophisticated estate-planning techniques. Changing regulations at the local level can have a devastating impact on the ability of a farmer to maintain his equity. These regulations recognize this.
  - (c) The 1999 Comprehensive Plan Update recommends a number of strategies to preserve a maximum amount of the remaining agricultural land base while also maximizing the potential for agricultural use. It is the intent of these regulations to provide a system of zoning incentives and bonuses for development that provide substantial community benefits or amenities in accordance with § 261-b of the Town Law of the State of New York and § 247 of the General Municipal Law of the State of New York.
  - (d) Under the Agricultural PDD rezoning, the farm owner and the Town will enter into an agricultural easement under which the land will remain in agricultural production, as defined by § 301 of the Agriculture and Markets Law, for a minimum of 10 years. During this limited period while the easement remains in effect, the landowner will be granted specific density and open space set-asides percentages. While the easement remains in place, the Town and the landowner can explore a number of preservation options, including purchase of development rights, transfer of development rights, outright acquisition, or a conservation opportunities subdivision. The legislation also provides the Town with a right of first refusal to purchase the property outright or to purchase development rights prior to the expiration of the agricultural easement.
- (2) Requirements and incentives.
- (a) A parcel shall be 10 acres or greater, situated within the Agricultural Overlay District and be restricted with an agricultural easement for a period of at least 10 years. For purposes of this PDD, a parcel may consist of a lot designated as a single tax number, or of two or more contiguous lots with separate tax map numbers.
  - (b) Agricultural easement.
    - [1] The Town of Southampton may accept an agricultural easement to ensure the continuation of agricultural production as defined in § 301 of the Agriculture and Markets Law, which may include the following:
      - [a] The landowner agrees not to develop the property for uses other than bona fide agricultural production as defined in § 301 of the New York State Agriculture and Markets Law, for a minimum of 10 years, except as provided in § 330-244I.
      - [b] The easement shall set forth specific terms and regulations which will govern subdivision of the property.
      - [c] Residential yield, as defined in Subsection F(2)(c) herein.
    - [2] The easement shall be in a form consistent with the Town's development rights Easement and in a form acceptable to the Town Attorney's office.
    - [3] The Town Board may accept the easement when it grants an Agricultural PDD, following a public hearing and the adoption of a resolution pursuant to Chapter 247 of the Code of the Town of Southampton and § 247 of General

Municipal Law.

- [4] This easement must be recorded in the Suffolk County Clerk's office.
- [5] Early termination. A landowner may petition the Town Board for termination of the agricultural easement and rezoning of the property during the initial ten-year period after the PDD is granted, but not until after the PDD has been in effect for five years. The Town Board may, in its discretion, grant such a petition after a public hearing upon a finding of undue hardship or extraordinary circumstances, including but not limited to death, illness or catastrophic economic loss. The property owner may also request development according to the restrictions set forth in the PDD. The Town Board may, at its own discretion, grant such a request.
- [6] Right of first refusal prior to termination. At least 150 days prior to the termination of the agricultural easement, the Town will exercise a right of first refusal option to purchase the development rights or fee title for all or part of the parcel. The Town of Southampton must make an offer within 120 days of the termination of the easement. The Town shall make an offer on the basis of fair market value of the property in accordance with the zoning and cluster regulations defined in the easement. If an agreement on the price is not reached within 30 days of the offer or the time to negotiate a fair price is not extended by mutual consent by the parties, the landowner may develop the property in accordance with the Agricultural PDD and the zoning and cluster regulations defined in the easement. The landowner will then have three years to submit an application to the Planning Board that will be reviewed by the Planning Board according to the Agricultural PDD and the zoning and cluster regulations defined in the agricultural easement. This three-year limitation can be extended only by a resolution by the Town Board.
- [7] Negotiation during easement period. During the first 10 years of the agricultural easement, the landowner may seek an offer from the Town for purchase of development rights or fee title, subject to the following procedures:
  - [a] Submission of a letter of interest and request for an appraisal to the Town Clerk.
  - [b] Appraisal by the Town based on the yield and open space set asides defined in the Agricultural PDD or the highest and best use of the property.
  - [c] The Town will make an offer within 120 days of receiving the landowner's request.
  - [d] The landowner has the option to accept or refuse the offer without any violation of the conditions of the Agricultural PDD.

(c) Yield.

- [1] Open space percentages and density; development yield.
  - [a] In consideration for not developing a parcel for 10 years, the landowner will receive the following density and set aside percentages in the following zones while the Agricultural PDD remains in effect:

**OPEN SPACE PERCENTAGES AND DENSITY WITHIN THE  
AGRICULTURAL PLANNED DEVELOPMENT DISTRICT**

Percentage Open	Zoning	Density
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<b>Space</b>		<b>(one dwelling per square feet)</b>
65%	CR-200	1/200,000
65%	CR-120, R-120	1/120,000
50%	CR-80, R-80	1/80,000
35%	CR-60, R-60	1/60,000
35%	CR-40, R-40	1/40,000

[b] Subdivision yield will be based upon the development yield established by multiplying the gross lot area (in acres) of the parcel by the following development yield factor table. The applicable development yield factor for a particular parcel of land is based upon the above zoning table.

**YIELD ALLOCATION TABLE FOR LANDS WITHIN THE AGRICULTURAL OVERLAY DISTRICT**

<b>Zoning District</b>	<b>Minimum Lot Area of Zone</b>	<b>Development Yield Factor</b>
CR-200	200,000	0.22
CR-120, R-120	120,000	0.36
CR-80, R-80	80,000	0.55
CR-60, R-60	60,000	0.73
CR-40, R-40	40,000	0.92

[2] The landowner may hire its own consultant to verify yield.

(d) Grant monies. The Town shall assist landowners of parcels zoned as Agricultural PDDs in obtaining federal, state, county and local grant monies for emerging agricultural programs. These programs may include, but are not limited to, those designed to promote product diversity, marketing or otherwise encourage economic development of agriculture within the Town of Southampton.