

Town of Southampton

Agricultural Planned Development District

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 § 330-2441.

[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 Space	Zoning	Density (one dwelling per square feet)
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**

Zoning District	Minimum Lot Area of Zone	Development Yield Factor
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.