

LOCAL LAW NO. 40 OF 2025

A LOCAL LAW amending Town Code Article IV (Multifamily Planned Residential Development District - MFPRD) as it relates to expiration of approvals.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

Section 1. Legislative Intent.

When considering an application for the use of a floating zone within the Town - such as the Multifamily Planned Residential Development District ("MFPRD") Zone - the Town Board often spends one to two years reviewing an application to be sure, among other factors, it meets community planning objectives and is consistent with the Town's Comprehensive Plan. Subsequent to any approval by the Town Board for what is often larger projects, applicants must then go to the Town's Planning Board for site plan and/or subdivision approvals. Importantly, an applicant may not receive final Planning Board approval until other agency approvals are obtained including, but not limited to, the Suffolk County Department of Health Services.

Thus, given the time it takes an applicant to navigate these approvals, coupled with the time spent by reviewing agencies considering said MFPRD, the Town Board finds that it is appropriate to extend the expiration of an MFPRD District from 18 months to three years, with two additional one-year extensions, for a total of five years. Indeed, having invested both time and staff resources into the MFPRD process - for a resultant project it supports - the Town should believe in the longevity of a project, and the applicant should not be required to meet unreasonable deadlines.

Section 2. Amendment.

Section 23 (Town Board action) of Chapter 330 (Zoning) of Article IV (Multifamily Planned Residential Development District - MFPRD) is hereby amended at subsection B by deleting the stricken words and adding the underlined words as follows:

§330-23 Town Board action.

- A. The Town Board may act either to approve, approve with modifications or disapprove the preliminary development concept plan and the establishment of the MFPRD District. Approval or approval with modifications of that concept plan together with the approval of the change of zone shall be deemed to authorize the applicant to proceed with the detailed design of the proposed development in accordance with such concept plan and the subsequent procedures and requirements of this article. A copy of the resolution containing the Town Board's decision shall be forwarded to the Planning Board and to the applicant. A copy shall also be placed on file in the office of the Town Clerk and, if in the form of an approval, the official copy of the Town Zoning Map shall be amended accordingly.
- B. Approval of the establishment of an MFPRD District shall expire within three years of the date of said Town Board approval unless the appropriate Planning Board approvals and building permit(s) have been obtained and substantial construction has begun. The Town Board, upon request of the applicant, may extend the above time periods for two additional periods of one year each by Town Board resolution. In the event appropriate Planning Board approvals and/or permit(s) have not been obtained, and substantial construction has not begun after five years, the Town Board shall hold a

public hearing to consider whether the MFPRD District should revert to its prior zoning classification. Thereafter, the Town Clerk shall amend the official copy of the Zoning Map accordingly.

Section 3. Authority.

The proposed local law is enacted pursuant to Town Law Article 16, §§264 and 265 thereof, as well as Municipal Home Rule Law §§10(1)(ii)(a)(11) and (12).

Section 4. Severability.

If any clause, sentence, paragraph, or part of this local law, or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.