



**TOWN OF ISLIP
DEPARTMENT OF PLANNING AND DEVELOPMENT
DIVISION OF BUILDING**

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ZONING – FREQUENTLY ASKED QUESTIONS

Please review the following list of frequently asked questions and answers. Links to the Town of Islip Town Code (“The Code”), forms, and applications referenced below are imbedded in this FAQ sheet and can also be found on our website at <https://islipny.gov/departments/planning-and-development>.

Please note that the material on this website is for informational purposes only. It is intended to provide general assistance and guidance as to common land use questions, but it should not be construed as legal opinion or advice. The Town of Islip Zoning Code should always be reviewed for specific zoning regulations, restrictions, and prohibitions.

GENERAL QUESTIONS

WHAT IS ZONING AND WHY IS IT IMPORTANT?

Generally speaking, zoning governs the permitted uses of real property, the minimum requirements for property development, the placement of structures on a property, and the maximum development allowed on-site.

WHO CAN I TALK TO IF I HAVE A GENERAL QUESTION ABOUT ZONING?

If you cannot find the information you are looking for below, please complete a [Zoning Inquiry Form](#) and email it to the Zoning Department. Please be as detailed as possible so we can fully research your situation and respond accordingly.

HOW DO I KNOW THE ZONING CLASSIFICATION OF MY PROPERTY?

There is an interactive [GIS map](#) on the website which provides zoning information. Once you are on the site:

1. Review Terms and Conditions.
2. Read the instructions and click, “OK.”
3. Enter the address of the property in question.
4. Property zoning is color-coded with the zoning district indicated in red.

WHERE CAN I FIND OUT WHAT USES ARE PERMITTED IN A SPECIFIC ZONING DISTRICT?

Regulations for zoning districts are located in Chapter 68 of [Town of Islip Town Code](#). If you need help navigating the site, click [? Help](#) for directions on using the site. The [General Zoning Standards Chart](#) gives a quick snapshot of the various zoning districts and the required lot width, area, setback(s), FAR, and height.

DO ZONING REGULATIONS CHANGE?

Zoning regulations can change, oftentimes to adapt to the changing needs of the community. The Town of Islip Zoning Code should always be reviewed to insure that regulations have not been amended.

WHAT IS A VARIANCE, AND HOW CAN I GET ONE?

It may be possible to obtain a variance from zoning regulations. If your building permit application was denied by the Building Division-Zoning Department, you will receive a letter stating the reason for the denial. You have the option of modifying your application to comply with zoning, or submit the letter of denial, along with an application, to the [Zoning Board of Appeals](#). If your request for a variance is denied, you must revise your plans so that they comply with zoning, and resubmit the plans to the Building Division for review. If your request for a variance is granted, you must submit a copy of the Zoning Board of Appeals decision to the Building Division, Permits Department, so that they can continue processing your application for a building permit.

IS THE ZONING BOARD OF APPEALS AND THE ZONING DEPARTMENT THE SAME THING?

The Building Division-Zoning Department and Zoning Board of Appeals are two separate and independent divisions. The Zoning Department reviews building permit applications for conformance with the Town of Islip Zoning Code. If an application does not comply with the Zoning Code and the applicant wants to request a variance, they may apply to the Zoning Board of Appeals.

HOW DO I KNOW IF I NEED A BUILDING PERMIT?

Please refer to the document entitled [When is a Permit Required?](#) to see a list of actions that require a permit.

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WHAT IS FLOOR AREA RATIO?

Floor Area Ratio (FAR) is a measurement of a building's floor area in relation to the size of the lot that the building is located on. FAR determines the Gross Floor Area (GFA) permitted on site, including primary buildings and accessory structures, relative to the lot size of the property. To determine the permitted GFA, multiply the FAR by the square footage of the property (e.g. 0.25 x 40,000 sf = 10,000 sf GFA).

Residential accessory structures less than or equal to 499 sf, or 249 sf in Residence BAA-District, will not be counted toward FAR. However, if an accessory structure is improved with plumbing fixtures, its gross floor area will be counted toward FAR, regardless of size.

For more information, please see the definition of Gross Floor Area in [§ 68-3 \(B\)](#).

RESIDENTIAL QUESTIONS

WHAT IS AN ACCESSORY STRUCTURE?

Accessory structures are customarily accessory and incidental to the principal use, and include, but are not limited to, detached garages, pergolas, cabanas, gazebos, and sheds.

WHERE CAN AN ACCESSORY STRUCTURE BE PLACED?

An accessory structure may not be located in a primary front yard, with the exception of Residences on Fire Island, and is subject to front, side, and rear-yard setbacks based on the size of the accessory structure. A summary of the zoning requirements for accessory structures in all zoning districts can be found on the [General Zoning Standards Chart](#).

Front Yard Setbacks:

- If your property fronts more than one street, refer to the Zoning Code for second front yard setbacks. [Link here](#)
- If the structure is less than or equal to 6 feet in height, it must be placed a minimum of 4 feet behind the front face of the house.
- If the structure exceeds 6 feet in height, it must be placed a minimum of 20 feet behind the front face of the house.
- See exceptions in AAAB, BAA, GST, and CA Districts

Side and Rear Yard Setbacks - if the structure is:

- Less than or equal to 144 sf, it must be a minimum of 2 feet from the side and rear yard property lines.
- Greater than 144sf and less than 500 sf, it must be a minimum of 4 feet from the side and rear yard property lines.
- 500 sf or larger, it must be a minimum of 10 feet from the side and rear yard property lines.
- See exceptions in AAAB, BAA, GST, RRD, and CA Districts

WHAT IS THE MAXIMUM PERMITTED SIZE OF AN ACCESSORY STRUCTURE?

Accessory structures must comply with the following size and lot coverage restrictions:

- Maximum height of 14 feet in residential zones AAAB, BAA, AAA, AA, A, B, & CAA.
- A maximum height of 18-feet in residential zones GST, CA, and RRD
- In residential zones AAA, AA, A, & B, a maximum occupancy of 10% of the total lot area, 25% of the rear yard area, and may not exceed the GFA of the main dwelling.
- If GFA exceeds 499 sf, or 249 sf in Residence BAA-District, it is attributed toward FAR.
- If an accessory building is improved with plumbing fixtures, the GFA will be attributed to FAR, regardless of its size.

CAN A SHED BE BUILT WITHOUT A PERMIT?

Yes, a shed can be built without a permit,* provided that the shed:

- does not have electrical or plumbing services.
- does not exceed 144 sf.
- does not extend more than 8 feet (high) above the property grade.
- is used only for the storage of items customarily incidental to a residence.
- is detached on the same plot of land as a single or two-family dwelling.
- is the only shed on the property.
- complies with NYS Uniform Code and the rules and regulations of the Town of Islip, including setback requirements.

**Note: This does not apply to any district in Fire Island, or in any lands located within the Fire Island National Seashore; see [§ 68-23 \(C\)\(2\)](#).*

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DO I NEED A PERMIT TO INSTALL A FENCE?

A permit is not required to install a fence, provided that the fence complies with Town of Islip regulations, including but not limited to zoning and traffic safety.

ARE THERE RESTRICTIONS ON THE HEIGHT OF A FENCE?

Yes, there are height restrictions for fences; please refer to [§68-404](#), [§ 68-405](#) and [§ 68-406](#) of The Code.

Side and Rear Yard:

- Fences may be no higher than 6 feet in the case of privacy-type fences.
- Fences may be no higher than 8 feet in the case of an open chain-link-type fence, or one which does not restrict light or visibility through more than 15% of its surface (evenly distributed).

Front Yard:

- Fences may be no higher than 4 feet when placed on or less than 15 feet from the property line (except when located on a corner or adjacent to a driveway, in which case maximum height is 3 feet).
- Fences may be no higher than 8 feet when set back 15 feet or more from the property line. (See [§ 68-406\(B\)\(1\)](#) for exceptions for corner properties equal to or less than 11,250 sq. ft.)
- Any fence over 6 feet high must be an open chain-link-type fence, or one which does not restrict light or visibility through more than 15% of its surface (evenly distributed).

WHAT IS REAR YARD OCCUPANCY?

Rear yard occupancy is the percentage of the rear yard that is occupied by something other than earth or landscaping. A minimum of 40% of the rear yard shall be landscaped and shall not be surfaced in whole or in part with concrete, asphalt, or other surface material, but shall contain earth. For example, a 2,000 sq. ft. rear yard with a 600 sq. ft. pool, 300 sq. ft. shed, and 500 sq. ft. patio would have a 70% rear yard occupancy. Since the rear yard occupancy is at 70%, only 30% of the rear yard is landscaped, the improvements would have to be removed, or an application would have to be made to the Zoning Board of Appeals for a variance.

WHAT IS THE MAXIMUM SIZE POOL ALLOWED?

The maximum size of a pool and hot tubs is dictated by the percentage of rear yard occupancy allowed. In the Residence BAA District, in-ground pools are prohibited, and above-ground pools are not permitted on lots of less than 12,000sf. Hot tubs exceeding 7 feet by 7 feet (49 square feet) in area or a height of four feet must meet the requirements for a swimming pool.

WHERE CAN A POOL OR A HOT TUB BE INSTALLED?

The minimum side and rear yard setbacks for a pool or a hot tub are as follows (please see the applicable code sections for corner lots):

District:	Minimum Side And Rear Yard Setbacks:
Residence AAA	- 18 feet
Residence AA	- 18 feet
Residence A	- 14 feet
Residence BAA	- 10 feet for hot tubs not exceeding 49sf or 4 feet in height - 25 feet for above ground swimming pools
All other districts	- 10 feet

WHERE CAN POOL EQUIPMENT BE INSTALLED?

Pool equipment must be located a minimum 6 feet from side and rear property lines, and in conformance with the required front yard setbacks for accessory structures in each respective residence district.

DOES A POOL HAVE TO BE SURROUNDED BY A FENCE?

Pools require barriers subject to the NYS Residential Code and Town of Islip Town Code. Please consult with a Building Plans Examiner and the Zoning Department.

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DO I NEED A PERMIT TO WIDEN MY DRIVEWAY?

You do not need a permit to widen your driveway, provided that you comply with the following:

- Driveways must be set back at least 4 feet from the side and rear property lines.
- Any curb cuts or work done to the driveway apron will require a permit from the Town of Islip [Department of Public Works](#).
- Driveways must comply with front yard occupancy regulations.

WHAT IS THE MAXIMUM FRONT YARD OCCUPANCY?

- Driveways may occupy a maximum of 35% of the primary front yard.
- For corner lots, which have frontage on two streets, the permitted driveway area is calculated by multiplying the primary front yard area by 35%. Once the permitted driveway area is determined, a property owner may choose to allocate a portion of the driveway area to the primary front yard and a portion of the driveway area to the second front yard. Corner lots do not receive any additional driveway area by virtue of having frontage on two streets.
- Walkways are permitted to occupy 12% of the primary front yard.

ARE PERMITS REQUIRED FOR DECKS AND PATIOS?

Permits are required for decks and patios that are higher than 18 inches, and any deck or patio on Fire Island requires a permit. Any deck or patio lower than 18" will be subject to setback and front and rear yard occupancy requirements. See § [68-420.2](#) for setback requirements.

ARE SECOND KITCHENS PERMITTED IN A SINGLE-FAMILY HOME?

A second kitchen may be allowed in single-family homes with permitted accessory apartments or in permitted two-family, family use only dwellings. Please see [§ 68-600](#) and [§ 68-419.1](#) of the Islip Town Code for guidance.

Both uses require special exception approval from the Zoning Board of Appeals, after due public hearing, and must be renewed every three years.

COMMERCIAL QUESTIONS

WHY IS MY PROPERTY NOT PERMITTED A CERTAIN USE EVEN THOUGH THE USE IS PERMITTED IN THE ZONING DISTRICT?

The Town Board and/or Planning Board may place covenants and restrictions and/or special permit conditions on certain uses in order to mitigate potential impacts and to ensure that the use will not adversely affect the public's health, safety, or general welfare. Example: if the Town Board authorized a change of zone for a property to the General Service T District in order to permit a medical office, and a deed covenant and restriction was placed on the property to limit the use to a medical office only, the only use permitted on the property is a medical office—despite the fact that the Code generally permits other uses in the General Service T District.

MY PROPERTY HAS MULTIPLE ZONING DESIGNATIONS – HOW DOES THAT AFFECT WHAT USE IS PERMITTED?

When your property is split-zoned and has more than one zoning designation, the more-restrictive zoning district applies to the entire parcel, as indicated on the ranking designation of district located in [§68-11](#).

WHY DO I NEED TO FILE FOR A CHANGE-OF-USE/OCCUPANCY PERMIT IF THE FORMER TENANT OPERATED THE SAME BUSINESS AS MINE?

It is possible the prior tenant occupied the space illegally (without permits), and as a result, the occupancy is not reflected on the Certificate of Occupancy (CO). It is important to get a permit to ensure the building is safe for your type of occupancy, as different businesses have different code requirements.

WHEN IS A CHANGE-OF-USE PERMIT REQUIRED?

A change-of-use permit is required when the proposed use is different from the last documented use listed on the CO. As described above, it is possible that someone occupied a space without obtaining the proper permits, and their use may not be consistent with the CO. For example, a bakery is considered a retail use, but a coffee shop is considered a restaurant use. Although these uses may seem similar, as per Town zoning code they are considered different uses and are subject to different requirements; the two uses may also be considered different occupancy types under the NYS Uniform Code.

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WHEN IS A CHANGE-OF-TENANT PERMIT REQUIRED?

Change-of-Tenant permits are required when a new tenant is moving into a space with an existing CO for that same use (as defined by code). For example, a dentist office converting to a chiropractor office does not require a Change of Use permit, but does require a Change of Tenant since both of these are considered medical office uses. If the building layout is being changed, a Building Permit for interior alterations will be required.

WHEN IS A SITE PLAN REQUIRED?

An approved site plan is required for any commercial, industrial, institutional, and multi-family planned developments. Additionally, any significant site change such as intensification of use will also require an approved site plan before a building permit application can be made to the Building Division.

HOW MUCH PARKING IS REQUIRED FOR MY USE?

Please refer to the [Table of Minimum Required Parking Spaces](#) in the Subdivision and Land Development Regulations, located in Appendix E.

DO I NEED A PERMIT TO PUT SIGNS ON MY PROPERTY?

A sign permit is required for most signs; please check the Town Code for the [Schedule of Sign Regulations](#) to determine if a permit is required for your particular sign. You can find the sign regulations in § [68-394](#) of the Town Code. Click here for the [Sign Permit application](#).