September 15, 2020

Hearing #1

WHEREAS, on September 15, 2020, the Town Board of the Town of Islip held a meeting in connection with the proposed amendment of Chapter 61 of the Code of the Town of Islip, entitled "Vehicle Uses: Fire Island",

NOW THEREFORE, on a motion made by Councilperson Trish Bergin

Seconded by Councilperson Mary Kate Mullen be it,

RESOLVED, that Chapter 61 of the Code of the Town of Islip, entitled " Vehicles Uses: Fie Island", is hereby amended as follows:

Upon a vote being taken the result was 4-0 with Councilman James P. O'Connor opposed

§ 61.5. Rules for operation of vehicles.

A. So far as practicable, motor vehicles shall be operated only on the beach in established tracks. When two motor vehicles approach from opposite directions in the same track, both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

B. No motor vehicles shall be operated on any portion of a dune except at posted dune crossings.

C. ~~No person shall operate a motor vehicle at a speed greater than eight~~ Every vehicle must yield the right of way to all pedestrians, maintain a speed not in excess of five miles per hour, stop at every intersection, and be equipped with properly operating brake and horn. ~~nor, in any event, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing nor in a manner which unreasonably endangers pedestrians of other users of Fire Island. Upon approaching or passing within 100 feet of a person or persons on the beach or when passing through or over any authorized dune crossing, speed shall be reduced to no greater than five miles per hour.~~ **[Amended 7-3-1984; 5-2-2000]**

D. In an emergency the Supervisor or his designee may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on motor vehicle travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms or other adverse weather conditions, the Supervisor or his designee may close all or any portion of Fire Island to motor vehicle travel for such period as he shall deem advisable in the interests of public safety. **[Amended 3-15-1977]**

E. Every property owner to whom a permit is issued must have adequate space upon his property to park his vehicles. No person shall be permitted to park his vehicle other than at his residence. This rule shall not apply to commercial permits. **[Added 2-13-1973]**

§61.5.1 Rules for operation of golf carts and/or mules.

A. Every golf cart or mule must be operated only by the person to whom the driving permit was issued; or, in the case of a medical permit, by either the person having

the medical disability or a responsible person when the permit holder is present in the cart.

B. Every golf cart or mule or those with trailer shall be used to transport supplies and material and only those laborers required on the job. Carts and materials must be kept off walks while at the job site. **[Added 9-24-19]**

C. ~~No person shall operate a motor vehicle at a speed greater than eight~~ Every cart or mule must yield the right of way to all pedestrians, maintain a speed not in excess of five miles per hour, stop at every intersection, and be equipped with properly operating brake and horn. ~~nor, in any event, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing nor in a manner which unreasonably endangers pedestrians of other users of Fire Island. Upon approaching or passing within 100 feet of a person or persons on the beach or when passing through or over any authorized dune crossing, speed shall be reduced to no greater than five miles per hour.~~ **[Amended 7-3-1984; 5-2-2000]**

D. Monday – Friday

4:00 a.m. to 8:00 a.m. – carts may be used;

8:00 a.m. to travel to the job site;

1:00 p.m. to 2:00 p.m. – to and from job site to pick up freight.

[Added 9-24-19]

E. Operation of golf cart or mule at any other times is permitted only for emergency work involving services as may be required in plumbing, service and repairs, to correct a dangerous or potentially dangerous condition. All emergency operations must be reported within one (1) week of occurrence by mailing a list of all emergency jobs (i.e. address, name and telephone number of person requesting work, details of work) to the Supervisor or designee.

F. All drivers of golf carts or mules must have a valid driver's license.

[Added 9-2-19]

G. All golf carts and mules being used for business purposes must conspicuously display name of business. **[Added 9-24-19]**

September 15, 2020

Hearing #2

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development and the Office of the own Attorney and

WHEREAS, on the basis of said review, certain modifications are deemed appropriate in order to clarify, modernize, and streamline portions of the Code that are either ambiguous, lacking clarity, or are insufficient in addressing current trends; and

WHEREAS, pursuant to New York State General Municipal Law, the proposed ode changes have been referred to the Suffolk County Planning Commission, and

WHEREAS, a review of the environmental impacts of these proposed regulations indicates that no significant environmental impact will occur; and

WHEREAS, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicated the nature of the proposed Code changes; and

WHEREAS, on September 15, 2020, a hearing was held;

NOW, THEREFORE, on a motion of Councilperson James P. O'Connor

Seconded by Councilperson Trish Bergin, be it,

RESOLVED, that the Town Board hereby amends the Islip Town Code Chapter 68, §68-

As specified herein; and

Additions are indicated by Underlining

Deletions are indicated by ~~Strikeouts~~

Upon a vote being taken the result was carried 5-0

Chapter 68 Zoning

Article 1 General Provisions

§ 68-3 Word usage and definitions.

ATTIC
The unfinished space between the ceiling assembly and the roof assembly.

BASEMENT
~~The lowest level of a structure when there is more than 50% of the lowest level above average grade. For the purposes of determining the percent above grade, the basement shall be measured from the first floor elevation (F.F.El.) to the basement floor. A basement shall be counted as gross floor area.~~
A story that is not a story above grade plane.

~~**BUILDING HEIGHT**~~
~~Unless otherwise stated, the vertical distance from the average grade of the ground at the base of the structure or the average grade at the street, whichever is less, to the highest point of the roof provided that chimneys, spires and similar permitted projections shall not be included in the height. For detached structures in conforming locations accessory to single family dwellings, the height shall be measured from the average of the four corners of the structure. For any single family residential and any structure(s) accessory thereto, within an area of special flood hazard pursuant to Article XL of this chapter, building height shall be measured rom the average grade of the ground at the base of the structure or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program/FEMA shown on an applicable Flood Insurance Rate Map. The Commissioner of Planning or the Commissioner's designee, shall be responsible for any interpretations concerning average grade and/or flood elevation.~~

~~**CELLAR**~~
~~The lowest level of a structure when there is less than 50% of the lowest level above average grade. For the purpose of determining the percent below grade, the cellar shall be measured from the first floor elevation (F.F.E1.) to the cellar floor. A cellar shall be counted as gross floor area as required under definition of gross floor area. A cellar shall not be used for permanent habitable space activities, including sleeping and cooking.~~

GRADE
The finished ground level adjoining the building at all exterior walls.

GRADE PLANE
A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than 6 feet (1829 mm) from the building, between the structure and a point 6 feet (1829 mm) from the building.

GROSS FLOOR AREA (GFA)
The total floor area, including all levels or stories of a structure as measured from the exterior faces of the walls.

(1) Gross floor area shall include but not be limited to:

(c) Basements ~~as defined herein~~ that are 50% or more above average grade.
(k) Walk-in refrigeration and/or freezer boxes or containers.
(i) ~~Cellars, basements,~~ Basements, storage space or occupied space for nonresidential uses.

(2) The following structures shall not contribute towards gross floor area:

(a) Residential ~~cellars~~ basements as defined herein~~.~~, except those that are 50% or more above grade or utilized as an accessory apartment.
(l)Commercial generators.

HABITABLE SPACE
~~Space in a building for living, recreation, sleeping, eating or cooking.~~
A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HEIGHT, BUILDING
The vertical distance from grade plan to the average height of the highest roof surface.

HEIGHT, STORY
The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

INDOOR RECREATION USE
A commercial recreational land use conducted entirely within a building, with or without seating for spectators, and providing accommodations for a variety of sports and activities, including but not limited to children's activities, trampoline/bounce facilities, basketball, hockey, football, wrestling, soccer, tennis, volleyball, racquetball, shooting range, paintball or go-karts. This definition shall not apply to those uses specifically defined otherwise.

LOT, THROUGH
A lot extending from one street to another street or right of way, having frontage on two streets or right of ways where the lot frontages do not intersect. A lot abutting a Federal highway or New York State Parkway shall not be considered a through lot.

~~**NEW STRUCTURE**~~
~~Any structure constructed from a foundation or any existing structure, the floor area of which is increased by 50% of the floor area of the existing structure or more, or altered by more than 50% of the existing structure prior to alteration.~~

NON-HABITABLE SPACE

~~Space in a building used for bathrooms, toilet rooms, closets, halls, storage or utility is not considered habitable space but will be included in the floor area ratio (FAR) calculation unless located in a cellar. Recreation rooms located in a cellar will not be considered habitable space. Non-habitable space in a cellar will not be included in the floor area ratio (FAR) calculation but will equid egress and ceiling height as per NYS Codes.~~

RESIDENTIAL DAY CARE

Shall be defined to include either of the following:

(1) Family Day-Care Home, shall mean a program caring for children for more than three hours per day and from three to six children in ~~a single family~~ residence. A family day-care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and school-aged children care is primarily before or after the period such children are ordinarily in school, during school, during school lunch periods, on school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the New York State Social Services Department and the New York State Social Services Department inspects such home to determine whether the provider can care adequately for seven or eight children.

(2) Group Family Day-Care Home, shall mean a program caring for children for more than three hours per day per child in which child day care is provided in a ~~single family~~ residence ~~home~~ for seven to 10 children of all ages, or up to 12 children where all of such children ae over two years of age, except for those programs operating as a family day-care home (See definition for "family day-care home above"). A group family day-care home provider may provide child day-care services to two additional children if such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays or during those periods of the year in which school is not in session. There shall be one caregiver for every two children under two years of age in the group family day-care home. A group family day-care home must have at least one assistant to the operator present when child day care is being provided to seven or more children. This assistant shall be selected by the group family day care home operator and shall meet the qualifications established for such position by the regulations of the New York State Social Services Department.

STORY

~~That portion of a building included between the upper surface of a floor and the upper surface of the floor next above. For the top story of a building, the story shall be measured from the upper surface of the highest floor to the interior surface of the roof at the peak. If the interior height of the top story exceeds four feet six inches, then it shall be considered as a story on submitted plans. Mezzanines shall be defined and regulated under the New York State Building Code and the provisions of this ordinance.~~

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY ABOVE GRADE PLANE

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is any of the following:

1. More than 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point.

Article II **Use Districts**

§ 68-11 **Designation of districts**

X. ~~Industrial 1 District (Ind. 1)~~ ~~Recreation Service G District (RSG)~~
Y. ~~Industrial Business District (IBD)~~ Industrial 1 District (Ind. 1)
Z. ~~Recreational Service G (RSG)~~ Industrial Business District (IBD)
~~**AA.** Industrial 2 District (Ind. 2)~~
AA. Industrial Transition District (ITD)
BB. Industrial 2 District (IND 2)

Article V **Use District Regulations: Residence AAA District**

§ 68-47 **Uses permitted as special exception by Board of Appeals after public hearing.**

I. ~~Child day care center as an accessory use to a church or similar place of worship community building or educational institution, subject to the following standards:~~
~~(Added 8-19-1980; amended 4-8-1997)~~

~~(1) A minimum lot area of 40,000 square feet shall be required.~~
~~(2) The use of cellars or basements shall be permitted, provided that all applicable New York State and Town of Islip building and fire codes are met.~~
~~[Amended 2-28-2017]~~
~~(3) The structure shall comply in all respects with New York State and Town of Islip Building and Fire Codes prior to the operation of the child day care center.~~
~~(4) Off-street parking shall be provided in accordance with Town standards.~~
~~(5) Adequate screening, buffering and/or fencing shall be provided for the proposed parking area and the proposed outdoor play area pursuant to the direction of the Board of Appeals.~~
~~(6) All applicable permits, from any involved governmental agencies shall be obtained prior to the operation of the child day care center.~~
~~(7) A minimum setback of 25 feet from the property line shall be provided and maintained in connection with the outdoor play area.~~
~~(8) The hours of operation of the outdoor play area shall be limited to 9:00 a.m. to 5:00 p.m. unless otherwise modified by the Board of Appeals.~~
~~(9) The location of the outdoor play area within the primary or secondary front yard shall be prohibited unless modified by the Board of Appeals.~~

§ 68-50 **Percentage of lot occupancy and floor area ratio.**
A. The total building area, including all buildings, shall not exceed an FAR of 0.25.
B. Accessory buildings shall not occupy more than 10% of the total lot area nor more than 25% of the rear yard area.

C. ~~The ground floor area of patios shall not occupy more than 30% of the rear yard area.~~ A minimum of 40% of the rear yard shall be landscaped and shall not be surfaced in part or whole with concrete, asphalt, or other surface material, but shall contain earth.

§ 68-54 **Front yard.**

D. Accessory structures.

(1) In addition to any other applicable requirements, accessory structures may be placed no closer behind the front line of the main dwelling, as defined in § 66-3, Definitions, than the following distances:
   (a) Structures no more than six feet high: four feet.
   (b) Structures over six feet high: 20 feet.

(2) Accessory structures on corner lots shall also have a minimum front yard setback from the side streets of 55 feet, or the arterial highway setback, whichever is greater.

(3) No accessory structure in the front yard shall be used to house poultry, as that term is defined in § 12-32 of the Islip Town Code.

(4) Accessory structures on through lots shall also have a minimum front yard setback from the through lot front yard of 40 feet.

§ 68-57 **Permitted encroachments.**

The following encroachments are hereby permitted:

D. Unenclosed porches encroaching no more than eight feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entranceways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they ae connected to the main building, and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article VA **Use District Regulations: Ocean Front Dune District AAAB**

§ 68-59.5 **Accessory uses.**

A. The following accessory uses shall be permitted when located on the same lot as and when clearly incidental to the principal use:

(3) refuse enclosures not to exceed 4' x 6' and bicycle racks/platforms in the primary front yard shall be permitted as accessory structures and shall not be subject to set back requirements or building permits.

Article VI **Use District Regulations: Residence AA District**

§ 68-69 **Front yard.**

D. Accessory structures

(1) Accessory structures shall observe the same setback behind the front line of the main dwelling as those in the Residence AAA District.

(2) Accessory structures on corner lots shall also have a minimum front yard setback from the side street of 35 feet, or the arterial highway setback, whichever is greater.

(3) Accessory structures on though lots shall also have a minimum front yard setback from the though lot front yard of 35 feet.

§ 68-72 **Permitted encroachments.**

The following encroachments are hereby permitted:

D. Unenclosed porches encroaching not more than eight feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entranceways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they are connected to the main building and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article VII **Use District Regulations: Residence A District**

§ 68-84 **Front yard.**

D. Accessory structures.

(3) Accessory structures on through lots shall also have a minimum front yard setback from the through lot front yard of 25 feet.

§ 68-87 **Permitted encroachments.**

The following encroachments ae hereby permitted:

D. Unenclosed porches encroaching not more than six feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entranceways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they are connected to the main building and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article IX **Use District Regulations: Residence B District**

§ 68-114 **Front yard.**

D. Accessory structures.
(3) Accessory structures on through lots shall also have a minimum front yard setback from the through lot front yard of 15 feet.

§68-117. **Permitted Encroachments**
D. Unenclosed porches encroaching not more than five feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to secondary front yards~~, nonconforming front yard setbacks~~ and nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entranceways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they are connected to the main building and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article X **Use District Regulations: Residence C District**

~~§ 68-123.1 **Basement occupancy**~~
~~No basement or cellar shall be occupied as living or sleeping quarters, except that management and/or custodial employee's living quarters may be provided in the basement area.~~

Article XI **Use District Regulations: Residence BAA District**

§ 68-137.1 **Uses permitted as special exception by Board of Appeals after public hearing.**

~~A. Child day care center as an accessory use to a church or similar place of worship, community building or educational institution subject to the following standards:~~

(1) ~~A minimum lot area of 20,000 square feet shall be required.~~
~~(2) The use of cellars or basements shall be prohibited.~~
~~(3) The structure shall comply in all respects with New York State and Town of Islip Building and Fire Codes prior to the operation of the child day care center.~~
~~(4) All applicable permits from any involved governmental agencies shall be obtained prior to the operation of the child day care center.~~

~~(5) A minimum setback of 25 feet from the property line shall be provided and maintained in connection with the outdoor play area.~~
~~(6) The hours of operation of the outdoor play area shall be limited to 9:00 a.m. to 5:00 p.m. unless otherwise modified by the Board of Appeals.~~
~~(7) The location of the outdoor play area within the primary or secondary front yard shall be prohibited unless modified by the Board of Appeals.~~

§68-138 **Accessory uses.**

(D) Child day-care center as an accessory use to a church or similar place of worship, community building or educational institution.

Article XII **Use District Regulations: Residence CAA District**

§ 68-162 **Permitted encroachments.**
The following encroachments are hereby permitted:

D. Unenclosed porches encroaching not more than five feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to secondary front yards~~, nonconforming front yard setbacks~~ and nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than 10 feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entranceways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they are connected to the main building and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article XIX **Use District Regulations: Business District**

§68-263 **Living area.**
A. For a single-family dwelling hereafter erected, the minimum required ground floor area, exclusive of attached garages, carports, open porches and breezeways, shall be:

(1) For a one-story dwelling, 900 square feet.
(2) For a two-story dwelling where the second story contains the same living area as the first story, the minimum ground floor area shall be 650 square feet, and both stories must be finished in accordance with the provisions of the New York State Building Code.

B. For all other types of dwellings, the minimum living area ~~of the ground floor~~ shall be ~~750~~ 500 square feet~~; provided, however, that at least 150 square feet of living area above the ground floor must be finished in accordance with the provisions of the New York State Building Code~~.

§68-263 ~~Fences. (See Article XXX)~~ **Architecture**

Prior to the submission of any new construction building permit applications, representative exterior architectural drawings shall be approved by the Planning Division. The Planning Division shall review the plans for overall building design, materials, colors, screening and other architectural consideration. A denial of architectural approval by the Planning Division may be appealed to the Planning Board.

A. Building materials. Exterior walls shall be designed and constructed using quality building materials appropriately applied to create aesthetically pleasing and enduring structures that contribute positively to the overall character of the area. The use of EIFS and decorative concrete block shall be limited.
B. Architectural features. A minimum number of architectural features shall be incorporated into building facades visible from roadways. This may include canopies over doorways, cornices, decorative ornament appropriate for the architecture, window wall framing, or decorative lighting. The use of windows is encouraged on the ground floor.
C. Building design. A cohesive building design shall be utilized from the top to bottom of structure. Corner properties should be a focal point of design and utilize high quality design. (Extend cohesive design to second story (don't stop at first floor), focus on corner properties as they are the most prominent).
D. Screening. Rooftop equipment, mechanical equipment, dumpsters, loading areas etc., shall be screened consistent with the building style or, for ground-level features, with fencing and/or landscaping.
E. Signage. Signage within the Business District is not subject to the uniform design requirements as outlined in 68-397 B (6)(a), however, all signage is subject to the review and approval of the Planning Division in terms of design compatibility, color, materials, height, and size. All other requirements as outlined in 68-397 B (6) shall apply.

Article XX **Use District Regulations: Business 1 District**

§68-280 **Front yard**

~~**D.** Other permitted buildings. Buildings permitted in a B! District pursuant to § **68-271C, F, H** and **M** shall have a minimum front yard setback of 25 feet from all streets, unless arterial highway setback is greater (see Article **XXXII**).~~

Article XXII **Use District Regulations: Business 3 District**

§68-302 **Uses permitted by special permit from Town Board after public hearing.**
~~**Q.** Boardinghouse or lodging house.~~

§68-302.1 **Uses permitted by special permit from Planning Board after public hearing.**
~~A. Minor restaurants, except as otherwise provided herein.~~

§68-306 **Height.**

~~**B.** Dwellings.~~
~~**(1)** The height regulations for detached dwellings shall be the same as those in the Residence AAA District.~~

§68-308 **Area density.**

~~**A.** The minimum required plot area for a single-family detached dwelling or two-family dwelling shall be 20,000 square feet.~~

~~**D.** The minimum required lot area for a lodging house or boardinghouse shall be 40,000 square feet and not less than 1,250 square feet of lot area for each sleeping room.~~

§68-310 **Width of lot.**

A. Minimum requirements

~~**(1)** The minimum width of lot for a single family detached dwelling, a two-family detached dwelling, lodging house or boardinghouse shall be 100 feet throughout.~~

~~**B.** Separate ownership. A single-family dwelling may be erected on any lot which was separately owned at the time of the passage of the ordinance or on any lot separately owned at the time of any amendment thereto heretofore adopted, and which has not come into common ownership with the adjoining property and conforms to the width of lot requirements of the Amended Zoning Ordinance prior to any such amendment and conforms to all other minimum requirements of this ordinance.~~

§ 68-311 **Front yard.**

~~**C.** One-family and two-family dwellings. All residences hereafter erected in a B3 District shall have a minimum front yard setback, unless arterial highway setback is greater (see Article XXXII) as follows:~~

~~**(1)** One-family dwelling, 40 feet.~~

~~**(2)** One-family dwellings upon a corner lot shall have a second front yard of 30 feet facing the side street.~~

~~**(3)** One-family dwelling upon a through lot, 40 feet from each street.~~

~~**(4)** Two-family dwellings, 25 feet~~

~~**(5)** Two-family dwellings upon a corner lot shall have a second front yard of 25 feet facing the side street.~~

~~**(6)** Two-family dwellings upon a through lot, 25 feet from each street.~~

Article XXV **Use District Regulations: Industrial 1 District**

§68-340.1 **Uses permitted by special permit from Planning Board after public hearing.**

J. Non-degree-granting schools associated with manufacturing or ~~driver training~~ truck driving.

§68-341 **Uses permitted as special exception by Board of Appeals after public hearing.**

~~**C.** Poultry slaughterhouse~~

~~**D.** Gas manufactured from coal, coke or petroleum, or the storage thereof.~~

~~**E.** Railway roundhouse or shop.~~

~~**F.** Commercial poultry farm.~~

~~**G.** Sheep or goat farm.~~

~~**H.** Fox, mink, chinchilla, rabbit farm.~~

§68-341.1 **Adult Uses**

Adult uses shall be allowable in an Industrial 1 District pursuant to the following:

B. Definitions. As uses in this ordinance, the following terms shall have the meanings indicated:

MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude uses such as massage therapists or spas. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

§68-344 **Percentage of lot occupancy and floor area ratio.**

A. The total building area, including all buildings, shall not exceed a FAR of 0.35 except as otherwise provided herein. An additional FAR of 0.10 is permitted for mezzanines used for storage purpose only, complying with the Codes of New York State. Parking for said mezzanines shall be calculated ~~at one space per 600 square feet~~ pursuant to the Subdivision and Land Development Regulations minimum parking standards.

Article XXVII **Retail Fuel Service Stations**

§68-382 **Entrances and exits.**

C. Width. Entrances and exits shall be at least 10 feet ~~and not more than 25 feet wide and shall communicate directly with the street~~ wide.

Article XXVIII **Swimming Pools**

§68-386 **Installation requirements; permit.**

E. Said distances shall be measured from the outside edge of an in-ground pool and from the outside edge of the structure of an aboveground pool, exclusive of mechanical equipment, which shall maintain a setback of 6' from any property line.

I. In the event that an owner shall abandon any swimming pool, he shall forthwith fill all voids and depressions and restore the premises to the same grade and condition as before the swimming pool was constructed and shall accordingly notify the Building Inspector when said restoration has been completed. All applicable Building Division permits shall be obtained.

~~J. The minimum required distance separation shall be six feet as measured between the exterior walls of any building and the closest water edge of the swimming pool on the same premises.~~

§68-387 **Percentage of rear yard occupancy.**
~~Such pool~~ Pools shall not occupy more than 40% of the area of the rear yard~~, excluding all garages or other accessory structures located in such area~~. This limitation shall not apply in a Residence BAA District.

Article XXIX **Signs**

§68-395 **Permitted signs.**

B. The following signs are permitted in the zoning districts as specified in the **Schedule of Sign Regulations** and in conformance with all other provisions of this article.

> **(16)** ~~(Reserved)~~ Blade sign: a facial sign that is located perpendicular to the building façade. Blade signs shall not extend more than thirty-six (36) inches from the wall to which it is attached and shall not exceed an area of twelve (12) square feet. Blade signs are only permitted in the Business District (BD) and the Downtown Development District (DDD), and shall not be illuminated if the sign is located directly across the street or adjacent to a residential district. A minimum height of eight (8') feet of clearance above finished grade is required for any blade sign under which pedestrians pass.

§68-396 **Prohibited signs.**

N. Any signs attached to or painted on a permanent canopy.
(1) Exception: Canopy signs, as defined in **§68-3**, may be permitted with Sign Inspector and building permit review and approval within the Business III or Industrial Corridor Districts ~~only~~, as an accessory use to a gasoline service station, provided that the following criteria are met:
(a) The size of any canopy sign is limited to 10% of the area of that face of the canopy on which it is located. In no case shall any canopy sign be larger than 12 square feet.
(b) Once canopy sign may be permitted per canopy. Exception: Where a canopy is located on a corner of two public thoroughfares, one canopy sign may be permitted on each canopy face, for a maximum of two canopy signs.
(c) Canopy signs shall be of channel letter or block design only.
(d) Canopy signs may be illuminated with internal lighting or indirect lighting during permitted business hours only.
~~**(e)** Canopy fascia is to be of one uniform color, except for canopy signs.~~

§68-397 **Type and Quantity of Permitted Signs**
B. Facial sign: a sign painted on, applied on or otherwise attached to a wall of a building or storefront and is designed as a unified message.

(1) Quantity. Only one facial sign is permitted per building in residence~~,~~ and general service ~~and industrial~~ districts but may be constructed in one or more parts, provided that if conveys one unified message. In business and industrial districts, only one facial sign (primary) is permitted

on the face of the storefront or establishment. Where an establishment has additional exterior walls which are visible from the main thoroughfare, each such wall may have one facial sign (secondary), but not more than two such additional facial signs are permitted.

(4) Construction. ~~A facial sign in a Business District may not project more than 18 inches from the wall to which it is attached except a marquee sign as approved by the Planning Board and except for a facial sign that is located perpendicular to the building façade and extends no more than 36 inches from the wall to which it is attached, and provided that said sign does not exceed an area of eight square feet and provided that said sign is not directly illuminated; in all other districts, the projection may not exceed 12 inches.~~
In business districts a facial sign may not project more than 18 inches from the wall to which it is attached; in all other districts the projection may not exceed 12 inches.
Exceptions:
(a) A marquee sign as approved by the Planning Board
(b) A canvas sign as approved by the Planning Commissioner
(c) A blade sign.

Article XXX **Sight Obstructions, Fences and Walls**

§68-407 ~~**Roofless deck and patio requirements**~~

Article XXXIV **Miscellaneous Provisions**

§68-420.2 ~~(Reserved)~~ **Roofless deck and patio requirements**

§68-420.3 **Temporary trailers**

A. There shall be permitted the installation of a trailer in which a family or individuals may live in a residential zone and no other zone under the following circumstances:
~~**A.**~~ **1.** The trailer must be for the temporary use and occupation of an individual or a group of individuals whose residence has been so damaged by fire or altered by some other circumstances as to render the residence uninhabitable.
~~**B.**~~ **2.** The trailer must be placed on the same plot as the house which is being rebuilt, or a contiguous parcel.
~~**C.**~~ **3.** There shall be obtained from the Building Division a permit, the fee for which shall be set by the Commissioner of Planning and Development, or the Commissioner's designee. [Amended 1-14-2003; 6-8-2010]
~~**D.**~~ **4.** The length of time such trailer shall be permitted to remain shall be three months with two three-month extensions. No further extensions are permitted ~~and it shall be mandatory that the trailer be removed at the end of the time permitted~~ unless otherwise approved by the Commissioner of Planning and Development, or the Commissioner's designee. If the trailer is not removed upon expiration, the owner of the trailer shall be fined $100 per day for each day that it remains beyond the time limit. If the trailer remains in violation for more than 10 days, the ~~Chief Building Inspector or the~~ Commissioner of the Department of Public Safety Enforcement, or his representative, may, after notifying the owner of said trailer, in person or by letter, return receipt requested, cause the trailer to be removed. The expense of such

removal and any storage charges resulting shall be paid by the owner of the trailer, and if said cost is not paid within 10 days, ~~the Chief Building Inspector or~~ the Commissioner of the Department of Public Safety Enforcement may advertise the public sale of the trailer in the official paper of the Town and sell it to the highest bidder. The moneys realized from the sale shall be applied to any fines outstanding and to reimburse the Town for any expense incurred in moving and storing the trailer. If there shall be any excess, it shall be remitted to the former owner of the trailer.

B. There shall be permitted the installation of a trailer for a commercial, including multifamily developments, or industrial property at the direction of the Commissioner under the following circumstances:
1. The trailer shall contain a copy of the approved site plan and approved construction plans, and be accessible to all Town personnel and contractors for review of plans and meetings. Should the applicant wish to remove said trailer before the issuance of a Certificate of Occupancy, written permission must be obtained for its removal by the Building Division.
2. The trailer must be placed on the same plot as the construction site, or a contiguous parcel.
3. There shall be obtained from the Building Division a permit, the fee for which shall be set by the Commissioner of Planning and Development, or the Commissioner's designee.
4. The length of time such trailer shall be permitted to remain shall be three months with two three-month extensions. No further extensions are permitted unless otherwise approved by the Commissioner of Planning and Development, or the Commissioner's designee. If the trailer is not removed upon expiration, the owner of the trailer shall be fined $100 per day for each day that it remains beyond the time limit. If the trailer remains in violation for more than 10 days, the Commissioner of the Department of Public Safety Enforcement, or his representative, may, after notifying the owner of said trailer, in person or by letter, return receipt requested, cause the trailer to be removed. The expense of such removal and any storage charges resulting shall be paid by the owner of the trailer, and if said cost is not paid within 10 days, the Commissioner of the Department of Public Safety Enforcement may advertise the public sale of the trailer in the official paper of the Town and sell it to the highest bidder. The moneys realized from the sale shall be applied to any fines outstanding and to reimburse the Town for any expense incurred in moving and storing the trailer. If there shall be any excess, it shall be remitted to the former owner of the trailer.

§68-420.8 **Driveways and Parking**
A. Legislative intent. In order to maintain an appropriate visual quality for residential properties, preserve property values, protect neighborhood character and safeguard quality of life, certain standards shall apply as specified herein.

(1) The amount of front yard area consisting of asphalt, gravel, stone or dirt or other nonvegetative material, to be used primarily for the parking of vehicles, shall not exceed 35% of the area of the ~~primary~~ front yard. In the instance of corner lots, the area of the secondary front yard ahead of the front line of the main dwelling is incorporated in the front yard area.

Article XLV **Use District Regulations: General Service T District**

§68-498.1 **Permitted Encroachments.**

D. Unenclosed porches encroaching not more than six feet from the minimum front yard requirement and not more than three feet in height as measured from the existing grade of property. This exemption shall not apply to ~~nonconforming front yard setbacks and~~ nonconforming uses. In no case shall any unenclosed porch have a depth, at any point, greater than six feet. Depth shall be measured from the furthest point of the front line of the main dwelling from the street property line to the outside face of the porch. Existing entrances where a roof overhang is added shall be exempt from the maximum height of 3 feet. In those instances, the existing height of the entrance way shall remain.

F. ~~Cellar~~ Basement entrance ways, covered or uncovered, may extend up to six feet into any required side and rear yards, provided that they are connected to the main building and are no higher than 2.5 feet above grade at any point. This exemption shall not apply to front yards, secondary front yards, nonconforming side or rear yard setbacks and nonconforming uses.

Article XLVII **Accessory Apartments**

§68-602 **Permit and certificate of occupancy required.**
No person shall create, construct, alter or occupy an accessory apartment or allow or maintain an accessory apartment without obtaining an accessory apartment permit from the Board of Zoning Appeals and a certificate of occupancy for said use from the Department of Building. ~~In no case shall floor area which is located more than 50% below grade, as defined in the New York State Uniform Fire Prevention and Building Code, be used for accessory apartment purposes.~~ Floor area located more than 50% below grade shall satisfy all applicable requirements of the New York State Uniform Fire Prevention and Building Code prior to being occupied by an accessory apartment.

§68-612 **Off-street parking requirements.**
There shall be located on-site not fewer than four off-street parking spaces. Parking shall be provided pursuant to the direction of the Town Engineer in a manner that is consistent with the residential appearance of the property ~~dwelling~~. ~~The maximum width of the driveway shall not exceed 18 feet or 24% of the lot frontage~~. The amount of front yard area consisting of asphalt, gravel, stone or dirt or other non-vegetative material, to be used primarily for the parking of vehicles, shall not exceed 35% of the area of the primary front yard. Required driveway improvements must be completed prior to the issuance of a certificate of occupancy or certificate of compliance for the accessory apartment unit.

§68-616 **Renewal of permits.**
A. All accessory apartment permits must be renewed every three years or upon transfer of title. The owner of an accessory apartment is required to apply to the Board of Appeals to renew this permit, in accordance with adopted Department procedures. The applicant is required to submit an affidavit of residency and to notify the owners of all dwellings ~~on the same street as the subject parcel, which dwelling are~~ within ~~200~~ 100 feet of the ~~application~~ subject property.

§68-618 **Transfer of apartment permit.**
An application for a transfer of an accessory apartment permit to a subsequent property owner shall be on such forms and in such a manner as shall be prescribed by the Board of Appeals. ~~A public hearing shall be required for such applications.~~

ZONING
68 Attachment 1
Town of Islip
Schedule of Sign Regulations (§ 68-398)
[Amended 6-7-1983; 1-17-1984; 10-6-1992; 4-5-2005]

Permitted Signs	District(s)[f] in Which Permitted	Maximum Area for Each Type of Sign in Square Feet			Maximum Height in Feet		Illumination	Time Limit
		Ground[a,h]	Facial[b]	Window	Ground	Facial[b,c]		
Address	All	1	1	1	5	10	IND	N.R.
Public Interest	All Res.	2	2	2	5	10	IND	N.R.
	All Other	3	3	4	5	10	D	N.R.
Home Occupation	All	2	2	2	5	10	D	N.R.
Place	All	16			8		D	N.R.
Institutional	Res.	12	12		8	10	D	N.R.
	All Other	16	16		10	12	D	N.R.
Real Estate	Res.	6		4	5			To completed Transaction
	All Other	12	24	8	10	12		
Contractor	Res.	12		8	5			Permit to c/occupancy
	All Other	24		8	10			
Office	Res.	4		4	5		D	Until content of sign is changed
	Gen. Serv.	12	24	4	10	10	D	
	All Other	24	32	4	10	18	D	
Business	Res.	12	12	4	8	10	D	
	GSE only	32[e]	2/WS		8	P.D.	D	
	Gen. Serv.	12	12	50% of window	10	12	D	
	BD[d] & DDD[d]		2/WS[e]			12	D	
	B1[d] & B2 & B3	48[e]	2/WS[e]		15[g]	18	D	
	IND 1 & 2	20[e]	1/WS[e]		15[g]	18	D	
Industrial	B1-B3	12[e]	1/WS[e]		15[g]	18	D	
	IND 1 & 2	32[e]	1/WS[e]		15[g]	18	D	
Marquee (P.D.)	BD-B3	50[e]	3/WS[e]		15[g]	18	D	As determined by the Planning Director (P.D.)
Directory (P.D.) if 5 or more establishments	Gen. Serv.	24[e]			10		D	
	~~B1-B3~~ B1-B3	64[e]			12[g]		D	
	IND 1 & 2	32[e]			12[g]		D	
~~General Service E~~	~~GSE only~~	~~32[e]~~	~~2/WS~~		~~8[e]~~	~~P.D.~~	~~D~~	
Directional (P.D.)	~~GSE~~ IND 1 & 2 B1-B3	12[e]			5		IND	
~~Special Events~~	~~All~~	~~32~~	~~1/WS~~	~~25%~~	~~12~~	~~18~~		~~30 Days~~
Gasoline Price	All	6			12		D	N.R.
Corporate Lawn	ICD, IBD	32	0.25 W/S		8	18	D	N.R.

Permit required.

No Permit required but must comply with all requirements.

Not permitted.

N.R. ~~Ner~~ Not regulated
WS Width of storefront. (For quantity see § 68-397B.)
IND Only indirect illumination is permitted. (See § 68-400A.)
D Both indirect and direct illumination are permitted. (See § 68-400A.)
P.D. Planning Director's approval required.

NOTES

[a] Only one ground sign permitted per parcel, which may not exceed 10 square feet, plus one square foot in sign area for every 10 linear feet of lot frontage [on one street] or the area listed in the table, whichever is smaller. ~~One additional directional sign, as limited herein, may be permitted for traffic safety purposes on business, general service or industrial parcels after review and approval of the Planning Director and Traffic Safety.~~ Setback of ground sign must equal height of sign from all property lines, up to the maximum permitted *above*. For one-foot setback, see § 68-397A(5).

[b] Only one facial sign is permitted per building in all districts except business districts. [See § 68-397B(2) for requirements.]

[c] Facial signs may not be higher than any part of actual roof except at gables.

[d] Awning signs are also permitted. (See § 68-379D.)

[e] The maximum area may be increased if a sign conforms to bonus criteria in § 68-399.

[f] Signs on Fire Island are not included. (See § ~~68-4000B~~ 68-400B.)

[g] Signs along Sunrise Highway and along the ~~expressway service road~~ Long Island Expressway Service Road may be 18 feet high.

[h] Ground signs permitted only when the building(s) they are associated with have a setback of at least 25 feet from the street curb or edge of the street pavement.