



TOWN CLERK

PUBLIC HEARING
Town Hall /Board Room
655 Main Street
Islip, NY 11751

December 17, 2019
2:00 p.m.

-
- 1. To consider amending the Uniform Traffic Code of the Town of Islip as follows:**

Schedule G Stop and Yield Intersections Amend to Read
Doolittle Street and Nimitz Avenue (BWD)
Schedule G Stop and Yield Intersections Add
Eaton Lane at Sequams Lane East (WIS)
Plunkett Drive at Stepney Lane (BWD)
Schedule I School Limits Speed Limits Add
Melody Lane BWD)
Schedule J Parking, Stopping and Standing Regulations Add
Colton Avenue/ West (SVL)
Greene Avenue/ East (SVL)
Suffolk Avenue/ North (BWD)
Schedule J Parking, Stopping and Standing Regulations Delete
Greene Avenue/ West (SVL)
 - 2. To consider amending the Islip Town Code, Chapter 68, entitled "Zoning".**
 - 3. To consider enacting Local Law 2 of 2019, amending the Islip Town Code Chapter 68, §68-324 and §68-334.**

Anyone wishing to address the Board at the conclusion of these hearings may do so. Please clearly print your full name and address by registering with the Aide in the lobby. Any disabled person who needs a sign language interpreter or special accommodations to attend this meeting, is asked to please contact Constituent Services at 631-224-5380 as early as possible in order for the Town to accommodate.

**Dated at Islip, NY
TOWN OF ISLIP
December 17, 2019
Published
OHM/tb**

TOWN BOARD,

**By: OLGA H. MURRAY
TOWN CLERK**

PUBLIC NOTICE

The Town Board of the Town of Islip will hold a Public Hearing on Tuesday, December 17, 2019 at 2:00pm in the Islip Town Board Room at Islip Town Hall, 655 Main Street, Islip, NY to amend the Uniform Traffic Code of the Town of Islip as follows.

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
AMEND TO READ**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Doolittle Street at Nimitz Avenue (BWD)	Stop	North/South on Nimitz Avenue; <u>East/West on Doolittle Street</u>

**SCHEDULE G
STOP AND YIELD INTERSECTIONS
ADD**

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Eaton Lane at Sequams Lane East (WIS)	Stop	East on Sequams Lane East
Plunkett Drive at Stepney Lane (BWD)	Stop	North on Stepney Lane

**SCHEDULE I
SCHOOL SPEED LIMITS
ADD**

NAME OF STREET	SPEED LIMIT (mph)	LOCATION
Melody Lane (BWD)	20	From Westwood Drive to Frank J. Cannon School driveway located 130 feet east of Timberline Drive

**SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
ADD**

LOCATION	REGULATION	HOURS/DAYS
Colton Avenue/West From Edwards Street south for 250 ft. (SVL)	No parking	10:00 p.m. to 6:00 a.m. Nightly 4/1 to 10/1
Greene Avenue/East From Center Street to Swayze Street (SVL)	No parking	8:00 a.m. to 9:00 p.m. School Days
Suffolk Avenue/North From 400 ft. west of Bergen Street to 500 ft. west of Bergen Street (BWD)	No parking	

**SCHEDULE J
PARKING, STOPPING AND STANDING REGULATIONS
DELETE**

LOCATION	REGULATION	HOURS/DAYS
Greene Avenue/West From 740 ft. south of Depot Street south for 580 ft. (SVL)	No parking	8:00 a.m. to 6:00 p.m. School Days

TOWN BOARD RESOLUTION

Date: December 17, 2019

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development and the Office of the Town 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 code 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 indicates the nature of the proposed Code changes; and

WHEREAS, on December 17, 2019, a public hearing was held;

**NOW, THEREFORE, on motion of Councilperson
Councilperson**

RESOLVED, that the Town Board hereby amends the Islip Town Code Chapter 68, as specified herein; and

SEE ATTACHED

**Additions are indicated by UNDERLINING
Deletions are indicated by ~~STRIKEOUTS~~**

Upon a vote being taken the result was:

Chapter 68 Zoning

Article I General Provisions

§ 68-3 Word usage and definitions.

A. Usage

(5) The term "Town Board" shall mean the Town Board of the Town of Islip; the term "Planning Board" shall mean the Planning Board of said Town; the term "Board of Appeals" shall mean the Board of Appeals of said Town; the term "~~Director~~" ~~shall mean the Director of Building and Housing of the Town of Islip~~ "Commissioner of Planning" shall mean the Commissioner of Planning and Development of the Town of Islip; the term "Town Clerk" shall mean the Town Clerk of the Town of Islip.

B. Definitions

Auction House

A building, site, or portion of a site used for auctioning of real, personal and intellectual property at scheduled auction events wherein bids for the items are solicited and accepted to effectuate the sale thereof. Auction Houses shall not include any business that engages in retail sale of items at set prices to the general public. An Auction House that, as an accessory use, engages in outdoor storage of vehicles, boats or heavy equipment shall not be considered a violation of section 68-338(R), which prohibits outdoor storage of vehicles, but shall require a Special Permit from the Planning Board, as set forth below in section 68-340.1.

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 from 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 any 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 base flood elevation.

[Amended 4-18-1978; 4-8-1997; 3-5-2013]

CAR WASH (MOTOR VEHICLE WASH)

A building or part of a building used for the washing of motor vehicles. A car wash shall provide queuing for at least 12 cars.

CRAFT TRADE SHOP

Establishments for custom work and for making articles to be sold at retail on the subject parcel intended for the general public and not for wholesale, including, but not limited to, artist, artisan, baker, confectioner, decorator, dressmaker, furrier, glassmaker, ironsmith, milliner, printer, or photographer. This definition shall not apply to those uses explicitly defined within this section.

industrial manufacturing, mass production or for the brewing and distilling of alcoholic beverages.

FAMILY

One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single or one-family dwelling unit as a traditional family or the functional equivalent of a traditional family, having access to and utilizing the whole of such dwelling unit, including but not limited to all rooms and housekeeping facilities, in common.

(2) It shall be presumed that a single or one-family dwelling unit is occupied by more than one family if it contains more than one kitchen or any of those items listed below, found to exist by the Commissioner of the Department of Planning and Development, his designee or any person authorized to enforce or investigate violations of Chapter 68 of the Code of the Town of Islip or any laws, codes, rules and regulations of the State of New York:

(c) More than one doorbell or doorway on the same side of the dwelling unit, unless shown on plans approved by the Building Division.

HOME OCCUPATION

An office activity conducted within a single-family residence in a single-family residential district by the residents thereof as an accessory use within the main dwelling that does not change the character of the building as a residence or the character of the site as a residential plot. The activity may employ a maximum of one nonresident and shall not occupy more than ~~25%~~15% of the gross floor area of the residence, unless a variance is issued by the New York State Department of State in which case a maximum of 25% of the gross floor area may be permitted; or in no case more than 500 square feet. Parking for the home occupation use shall be installed, landbanked or screened from view pursuant to the direction of the Commissioner of Planning and Development or the Commissioner's designee. The following uses shall be considered home occupations: the office of a single physician, dentist, chiropractor, lawyer, architect, engineer, surveyor, accountant, financial planner, insurance agent or tutor, provided that instruction is limited to a single pupil at one time. Other similar uses, which do not alter the character of the house as a residence, may only be permitted after the review and approval of the Board of Appeals. In no case shall the following uses be deemed permitted home occupations: bars, taverns, nightclubs, restaurants, minor restaurants, fast-food restaurants, convenience markets, veterinarian, dance studio, real estate broker, musical instruction groups, art or photo galleries, funeral parlor/home, barbershops, beauty parlors, adult homes, nursing homes, tattoo parlor, any use involving outside storage including the outside storage of registered vehicles, outside display or any retail use.

LIVE WORK UNIT

An integrated housing unit and work space, occupied and utilized by a single-family household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity for the primary use. The maximum square footage for living space shall be limited to 2,000.

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.

MOTOR VEHICLE DEALERSHIP

A building or a part of a building or a lot or a part of a lot used for the sale, rental, lease, display or storage of new or used vehicles, including but not limited to automobiles, vans, trucks, trailers, buses, campers, recreational vehicles or boats or any vehicle required to be registered with the New York State Department of Motor Vehicles. This definition shall not be construed to include heavy construction vehicles, emergency vehicles and related equipment. Motor vehicle dealerships may also include vehicle repair and/or a car wash facility as accessory uses subject to the issuance of a special permit from the Planning Board after due public hearing. A car wash shall provide a queue for at least 12 cars, unless modified by the Planning Board. All car wash activities shall be restricted to the washing of dealer stock vehicles only and confined within a building on the subject property. Public car washing is prohibited.

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.~~

~~{Added 4-5-2005; amended 12-12-2006; 5-15-2018}~~

Any structure that meets one or more of the following:

A) is constructed on a new foundation.

B) is a replacement of an existing structure on an existing foundation.

C) An alteration that removes 75% or more of the exterior walls of an existing structure.

D) An expansion of the footprint of an existing building by 60% or more.

RESTAURANT, MINOR

An establishment engaged in the sale of prepared food intended for immediate consumption either on premises or off premises or both on premises and off premises, ~~and~~ containing a maximum gross floor area of 2,000 square feet, ~~a maximum dining area of 450 square feet~~ and a maximum of ~~30~~ 16 seats available for customer use. The sale, service and consumption of beverages shall be accessory to the food service use, and any alcoholic beverages sold, served or consumed shall be limited to beer and wine and shall not include service from a bar or similar dispensing structure. A minor restaurant shall not include a drive-up or drive-through facility and shall not otherwise be defined as a bar, tavern or nightclub, fast food restaurant, restaurant, convenience market or delicatessen.

THRIFT SHOP

A store selling secondhand clothes and/or secondhand household goods to raise funds for a charitable institution.

YARD, FRONT

~~The open space between the street line and the nearest part of any building.~~

YARD, PRIMARY FRONT

The space between the property line adjacent to the street and the nearest part of any building exhibiting the front door.

YARD, THROUGH LOT FRONT

The space between the property line adjacent to the street or right of way which is not the primary front yard.

Article IV Administration; Permits and Fees; Standards and Requirements

§ 68-22 Building Director; appointment.

The Building Director shall serve at the pleasure of the Board and shall direct the Building Division and be responsible for the enforcement of this ordinance.

§ 68-23 Permit required; exceptions; application.

D. Form.

(1) An application for a permit shall be submitted in such form as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may prescribe.

E. Plans. Applications for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including floor plans, elevations, structural details and plot diagrams, as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may require. The Commissioner, or the Commissioner's designee, may establish the appropriate level of plan preparation and review for each application type in accordance with the New York State Building Code and § 68-24A of this article.

J. Permit for moving building; bond. A bond may be required by the ~~Director~~ Commissioner of Planning or the Commissioner's designee to indemnify the Town for damage caused by the moving of a building or structure. If such a bond is requested, no permit to remove a building or structure shall be granted until the bond is filed with the Town of Islip.

§ 68-24 Permits.

C. Signature and conditions of permit. All work performed under a permit issued and signed by the ~~Building Director~~ Commissioner of Planning, signed by him or his the Commissioner's authorized designee, shall conform to the approved application and plans and approved amendments thereof.

E. Revocation.

(1) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may revoke a permit or approval issued under the provisions of this ordinance for:

(e) Such revocation shall take place after notice to the applicant and an opportunity for the applicant to be heard by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

F. Posting of permit.

(2) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may require a certified copy of the approved plans to be kept on the premises at all times until completion of the work.

§ 68-27 Inspections.

A. Work for which a permit has been issued under this article shall be inspected at various stages of the project as deemed appropriate by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee. Work shall be inspected prior to enclosing or covering any portion

thereof and upon completion of each stage of construction or demolition, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, heating, ventilating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee that the work is ready for inspection and to schedule such inspection. Failure to appropriately schedule an inspection may result in the removal of the work, in whole or in part, pursuant to the direction of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee, as may be deemed necessary in order to verify that the work was completed properly.

~~B. In addition to application processing fees, the Building Director or his authorized agent shall collect a public improvement fee, as established by the Town Board, which shall be based on the linear feet of street frontage, which shall apply to all building permits for the construction of new buildings on vacant properties and those classified as new structures as defined in § 68-3.~~

§ 68-28 Fees.

~~A. All fees, as established by the Commissioner, shall be collected by the Building Director or other authorized agents as designated by the Commissioner and remitted to the Supervisor monthly. Fees may be charged for processing all required permits and include but are not limited to new buildings, additions, interior alterations, plumbing, heating, fireplaces, swimming pools, sprinkler systems, identification signs, storage of combustibles, public assembly, nonresidential solar collectors which do not meet the criteria listed in § 68-24G, temporary trailers, parking lots, elevators, escalators, dumbwaiters, conveyors, lifts or any other structure which requires a permit.~~

~~B. In addition to application processing fees, the Building Director or his authorized agent~~ Director Commissioner of Planning or the Commissioner's designee shall collect a public improvement fee, as established by the Town Board, which shall be based on the linear feet of street frontage which shall apply to all building permits for the construction of new buildings on vacant properties, except where the applicant can show:

(1) That the property is a full lot on a subdivision map approved by the Planning Board, fully bonded for public improvements and recorded with the Suffolk County Clerk; or

(2) That the road on which the property fronts has been improved or is bonded for improvements to meet minimum Town standards in accordance with Town Law.

§ 68-30 Minimum Standard Requirements.

~~Every~~ All new construction structure shall comply in all respects with minimum standards as established and maintained by any and all applicable federal, state, county and local rules and regulations, including, but not limited to, the New York State Uniform Fire Prevention and Building Code (Uniform Code), the State Energy Conservation Construction Code (Energy Code), the National Electric Code (NEC), Suffolk County Department of Health Services (SCDHS) regulations, ~~Energy Star for new homes and all homes with additions greater than 50% of gross floor area, as permitted by the 2007 Energy Conservation Code of New York State Section 103.1.1, and the Islip Town Code.~~

A. Building and structures: unsafe.

(2) Enforcement. This ordinance shall be enforced by the ~~Director of the Town of Islip Building Division, or his authorized agent, who hereafter shall be referred to as the "Building Director."~~ Commissioner of Planning or the Commissioner's designee. He/she is hereby authorized to make inspections of all types of structures throughout the Town, to declare such structures to be unsafe, hazardous or public nuisances and to make such structures safe in accordance with the procedures outlined in the ordinance. The Town Attorney, on advice of an Engineer, shall be designated an authorized agent of the ~~Building Director~~ Commissioner of Planning.

(3) Declaration of public nuisance. Any structure, as defined in Chapter 68 of the Code, which in the opinion of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee has become dangerous, unsound, unsafe or hazardous as a result of fire, neglect, disrepair, structural failure, collapse, vandalism or any other means shall be declared a public nuisance. Such nuisance shall include any unoccupied structure which is not secured from entry by having all windows, doors and openings secured in accordance with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee's specifications.

(a) The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe and secure by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(4) Public nuisances prohibited. A public nuisance, as declared in this ordinance, is a prohibited condition and shall be removed in accordance with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee's specifications.

(5) Removal of public nuisance. A public nuisance may be removed without the owner's consent in accordance with the following procedure:

(c) Hearing. The Town Board shall hold a hearing at the time and place specified in the notice to determine whether the repair or removal of the public nuisance shall be accomplished by the Town. At such hearing, the affected owner or his representative may present evidence in opposition to the determination of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(6) Declaration of immediate hazard. A public nuisance may be declared an immediate hazard by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee when there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

(a) The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe and secure by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(7) Removal of immediate hazard. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee declares that a premises contains an immediate hazard, he is hereby authorized to specify the work required to remove the hazard, to order the property owner

to remove the hazard and to remove the hazard if such hazard is not removed within a specified time period.

(a) Notice and order. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall notify the property owner or his agent of the hazard by telephone, in person or by certified mail and shall specify the work required and specify the length of time during which the work must be commenced. He shall also advise the property owner or his agent of the consequences of the failure to comply.

(b) Failure to comply. In the event that the owner neglects or refuses to comply with the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee order, in the specified time, or in the event that the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee is not able to contact the owner or his agent, making a diligent effort to do so, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee is authorized to proceed with the required work to remove the hazard and to include all costs incurred by the Town of Islip in the next regularly scheduled tax bill in accordance with this ordinance. Such work may include, but is not limited to, emergency repair or demolition and removal of all or part of the building(s) or structure(s), including foundations, the installation of fencing, and boarding and securing.

(9) Statement of expenses. When the Town has effected the removal of the public nuisance or hazard pursuant to this ordinance, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall prepare a statement of all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including but not limited to clerical, mailing and administrative costs and the actual cost of removal of the nuisance or hazard, whether the work was performed by the Town or by the contractor paid by the Town. Such statement shall also contain a description of the property which caused the Town to incur such expenses and the name of the reputed owner of said property. The statement shall be prima facie evidence that all legal formalities have been complied with and that the ordered work has been completed properly and satisfactorily. Such statement, when filed, shall be full notice to every person concerned that the amount of the statement constitutes a charge against the property described in the statement and that the amount is due and collectible as provided in this ordinance.

(10) Retrieval of expenses.

(a) Filing. Signed copies of the ~~Building Director's~~ Commissioner of Planning or the Commissioner's designee sworn statement of expenses shall be filed with the Assessor of the Town of Islip, and such costs shall be assessed against the land on which said buildings are or were located.

B. Minimum housing standards.

(10) ~~Building Director~~ Commissioner of Planning or the Commissioner's designee designated official inspector. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee of the Town of Islip is authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises in order

to safeguard the health, safety, morals and welfare of the public. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee or his designated representatives are authorized to enter any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours or at such other time as may be necessary in an emergency for the purpose of performing the Commissioner's duties under this Subsection B.

(13) Emergencies: power to act. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee finds a violation of this Subsection B exists which, in the Commissioner's opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of the building or of the public, he may, by telephone notice to the owner, agent, operator or occupant, or without prior notice, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate. Notwithstanding any other provision of this Subsection B, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(14) Extension of compliance time. The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may extend the compliance time specified in any notice or order issued under the provisions of this Subsection B where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

(15) Abatement of hazards in emergencies. Whenever any violation of this Subsection B, which, in the opinion of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee, causes a direct hazard or immediate danger to the health and safety of the occupants of a building or the public, has not been corrected in the time specified by the order issued, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may take such direct action as is necessary to abate the hazard or danger, including demolition. Expenses incurred in the execution of such orders shall be recovered as provided herein.

(16) Recovery of costs and expenses. The expenses incurred pursuant to § 68-30B(15) of this ordinance shall be paid by the owner or occupant of the premises or by the person who caused such violation to exist, as follows:

(a) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall file among his records an affidavit stating with fairness and accuracy the items of expenses and the date of the execution of actions authorized under this ordinance. A copy of such affidavit shall be served upon the owner or occupant of the premises as provided in this ordinance.

(b) Within 10 days thereafter, the owner or occupant upon whom such affidavit has been served may file with the ~~Building Division~~ Commissioner of Planning or the Commissioner's designee a written request for a hearing with the Building Inspector and the Town Attorney to contest any items of expenses set forth in the affidavit of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee. If such a request is not received within 10 days, the affidavit of the Building Director shall be final and binding upon the owner or occupant.

(c) At such hearing, the applicant or his representative shall be given an opportunity to show cause why the items of expenses listed in the affidavit of the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee are not accurate.

(d) Upon the completion of all work under § 68-30B(15) of this ordinance, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall file among his records an affidavit fully stating all items of expenses incurred. A copy of the same shall be served upon the owner or occupant as provided in this chapter.

(e) The ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may institute an action in the Supreme Court to recover such expenses against any person liable therefor or may cause a report setting forth all items of expenses incurred under § 68-30B(15) of this ordinance to be filed with the Town Board of the Town of Islip.

(18) Designation of unfit structures. Any dwelling or dwelling units, rooming house or rooming unit or premises having any of the defects found in Subsection (a), (b), (c) and (d) below may be designated by the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee as unfit for human habitation or use and may be so placarded.

(19) Notice of intent to vacate. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee determines that a dwelling unit, rooming house or rooming unit or premises is unfit for human habitation or use as provided in § 68-30B(18), he/she may include such finding within the notice of violation provided for in this ordinance. He/she may also include a notice of his intent to vacate and placard the dwelling, dwelling unit, rooming house or rooming unit or premises if compliance with the provisions of the notice of violation is not secured within the time specified.

(20) Order to vacate. Whenever a notice of violation, as provided in § 68-30B(19) of this ordinance, has not been complied with, the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may order the dwelling, dwelling unit, rooming unit or rooming house to be vacated. A copy of such order to vacate shall be served on the occupant and owner, agent or operator, as provided in this chapter.

(21) Vacation of unfit structures and premises. Any dwelling, dwelling unit, rooming house or rooming unit or premises designated as unfit for human habitation or use pursuant to § 68-30B(18) and ordered to be vacated as provided in § 68-30B(20) shall be vacated within such reasonable time as the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee may specify in the order. No such dwelling or dwelling unit shall again be used for human habitation, or placard removed, until written approval is secured from the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee.

(23) Unfit structures made secure. The owner, agent or operator of any dwelling, dwelling unit, rooming house or rooming unit or premises which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, rooming house or rooming unit safe and secure in whatever manner the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee shall deem necessary. Any vacant building open at the doors and windows, if unguarded, shall be deemed a direct hazard or immediate danger to the health and safety of the general public.

(24) Demolition. Whenever the ~~Building Director~~ Commissioner of Planning or the Commissioner's designee designates a building unfit for human habitation, the Building Inspector may institute proceeding pursuant to this ordinance to remove and demolish the said structure or building. The expenses thereof may be recovered pursuant to § 68-30B(16) herein.

Article IVA: Amendments

§ 68-34 Special permits from Town Board and Planning Board.

In reviewing special permit applications, the Town Board or Planning Board may consider various factors, including but not limited to the following: traffic impacts; adequacy of parking facilities; environmental impacts; effect on neighboring properties; compliance with the comprehensive plan; compatibility with the nature and character of the surrounding area; architectural impacts to the surrounding area; and the overall ability of the site to accommodate the proposed special permit use, and any other consideration involving the public health, safety, and welfare.

§ 68-36 Restrictive covenants.

B. The failure to comply with any and all conditions shall be deemed a violation of this article, subject to the penalties provided in § 68-421. In addition, the Town Board, Planning Board or Zoning Board of Appeals reserves the right to rescind or revoke, in whole or in part, any and all approvals after due public hearing in the event violation of the above-referenced provisions occurs. Thereafter, the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity. In the event the owner or applicant of an application before the Town Board, Planning Board or Zoning Board of Appeals fails to record the required declaration of deed covenants and restrictions within ~~90~~180 days of the date of the grant, it will be presumed that the applicant objects to the conditions imposed and the governing board reserves the right to rescind any and all approvals and deny the application.

E. The improvement of the premises, in accordance with the determination of the Town Board, Planning Board or Board of Appeals, must be ~~commenced within 12 months after the date of the grant and completed within 24~~ 36 months after the date of grant. If not so commenced and completed within this period, then, the governing board reserves the right to revert the subject property to its former zoning classification or any intermediate zoning classification, or the governing body reserves the right to revoke any and all special permits or special exceptions associated with the subject property after due public hearing. Thereafter the operation of the use previously authorized shall be terminated and there shall be no right to nonconformity. The governing board may shorten this time frame in the event the application is made to legalize an unauthorized use of the property.

G. All ~~Exchange~~ of zone, special permit, site plan modifications, minor subdivision, or major subdivision approvals shall expire within ~~one~~ two years of the date of grant by either the Town Board or Planning Board, unless a building permit (exclusive of demolition permits) has been secured or the property lawfully used for the purpose granted within ~~12~~ 24 months, unless extended by the Commissioner and a fee is paid equal to 50% of the total original application fee, except as may otherwise be provided herein. The Board issuing the approval may shorten this time frame in the event the application is made to legalize a previously unauthorized use of the property. The Board further reserves the right to revoke said approvals associated with the

subject property after due public hearing if a building permit is not secured within the required time frame.

H. Filing of covenants and restrictions. Whenever the Town Board, Planning Board or Board of Appeals, as a condition for the granting of an application for a change of use district classification or special permit, requires a restrictive covenant to be imposed upon the subject property, such restrictive covenant must be properly recorded in the office of the County Clerk ~~not later than 60 days from the date of the approval,~~ and proof of said recording must be provided to the Office of the Town Clerk and Planning Board within ~~90~~ 180 days of the date of approval, except that the Board that approved the application may extend the time for filing the restrictive covenant upon good cause and upon written application. Failure to file said restrictive covenant in accordance with the above shall render the granting of the change ineffective, and null and void.

Article V: Use District Regulations: Residence AAA District

§ 68-48 Accessory uses.

A. Permitted accessory uses.

(1) The following accessory uses shall be permitted when located on the same lot with the authorized use:

(P) Thrift Shop as an accessory use to a church or similar place of worship, provided the following criteria is met:

1. Any structure or portion thereof dedicated to a thrift shop may not exceed 10% of the total gross floor area of the principal structure on the property.
2. The thrift shop must be clearly subordinate to, and may not operate without, a primary, permitted place of worship located on the same property.
3. The use must be clearly operated and sponsored by the primary place of worship.
4. The products distributed within the shop must be donated and the thrift shop may not operate as a typical retail store. Proceeds from any sales must go to the sponsoring non-profit.
5. All other standard accessory structure setbacks shall apply.

(2) ~~The Director of Building and Housing Commissioner of Planning or the Commissioner's designee~~ is hereby authorized to establish reasonable rules and regulations to administer and enforce the provisions of § 68-48A.

§ 68-50 Percentage of lot occupancy and floor area ratio.

C. ~~The ground floor area of patios paved or gravel surfaces~~ shall not occupy more than 30% of the rear yard area.

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 ~~with~~ as and when clearly incidental to the principal use:

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

Article X: Use District Regulations: Residence C District

§ 68-124 Height.

~~A. A single family attached dwelling or apartment building shall not exceed 35 feet in height, or two stories for living purposes.~~ An apartment house or garden apartment shall not exceed 35 feet in height or two stories for living purposes; provided, however, that in a specific application and after a public hearing, the Town Board may permit additional height and grant additional stories for apartment houses or garden apartments. In such instances, that portion of the apartment house or garden apartment which is granted in excess of 35 feet shall be set back a minimum of one additional foot for each additional foot of height with relation to front yards, rear yards and side yards. In no instance shall any building exceed four stories.

~~B. The height regulations shall be the same as those in the Residence AAA District.~~

§ 68-126.3 Height

~~B. An apartment house or garden apartment shall not exceed 35 feet in height or two stories for living purposes; provided, however, that in a specific application and after a public hearing, the Town Board may permit additional height and grant additional stories for apartment houses or garden apartments; provided, further, that the portion of the apartment house or garden apartment which is erected in excess of 35 feet shall be set back a minimum of one additional foot for each additional foot of height with relation to front yards, rear yards and side yards.~~

Article XI: Use District Regulations: Residence BAA District

§ 68-138 Accessory uses.

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

(6) Refuse enclosures not to exceed 4' x 6' and bicycle racks/platforms shall be permitted as accessory structures and shall not be subject to set back requirements or building permits.

Article XII. Use District Regulations: Residence CAA District

§ 68-150. Permitted uses

In a Residence CAA District, no building, structure or premises shall be used or occupied and no building or part thereof or other structure shall be so erected or altered, except for one or more of the following purposes:

- C. A single three or four family dwelling, when adjacent to a property zoned Residence C, Residence CA, Business District, Business 1, Business 2 or General Service-T district and having no other uses other than accessory uses on the subject parcel. The subject parcel shall meet the requirements of §68-500 and §68-501. The building must have a lobby from which all rooms are accessible (via hallways, elevators). No entry doors to each unit are permitted.

§ 68-155. Percentage of lot occupancy.

- B. The rear yard consists of 15% open space exclusive of buffer and parking areas.

§ 68-156. Area density.

- A. The minimum required plot area for a single family dwelling permitted use in § 68-150 shall be 15,000 square feet.

[Amended 11-1-1988]

- ~~B. The minimum required plot area for a two family dwelling shall be 15,000 square feet.~~

- C. The minimum required plot area for all other uses permitted buildings not accessory buildings shall be 20,000 square feet.^[1]

§ 68-165. Exterior site improvements and land clearing.

- A. The exterior site improvements and land clearing of property shall be regulated under the Residential AAA District requirements of § 68-59.01 and Article XXXI of this chapter.
- B. A minimum buffer area of 25 feet in width in accordance with Town standards shall be provided and maintained alongside a parking lot when it is adjacent to any residential zone or use, except as modified by the Planning Board in accordance with the Subdivision & Land Development Regulations.
- C. No light poles taller than 12 feet shall be permitted when the subject parcel is adjacent to a Residential AAA, AA, A or B zoning district nor shall said poles be closer than 25' to any such residential zoning boundary.

Article XIII: Use District Regulations: Residence CA District

§ 68-170 Height.

- B. Apartments shall not exceed 35 feet in height or two stories for living purposes; provided, however, that in a specific application and after a public hearing, the Town Board may permit

additional height and grant additional stories for apartment houses or garden apartments; provided, further, that the portion of the apartment building which is erected in excess of 35 feet shall be set back a minimum of one additional foot for each additional foot of height with relation to front yards, rear yards and side yards. In no instance shall any building exceed four stories.

§ 68-172 Lot area.

C. A minimum lot area of 30,000 square feet shall be required when the following criteria is met:

- a. The subject parcel is within 1,250 feet of a Long Island Railroad Station or a parcel eligible for the Downtown Development District zoning district.
- b. The rear yard consists of 15% open space exclusive of buffer and parking areas.
- c. No parking in the front yard
- d. The building must have a lobby from which all rooms are accessible (via hallways, elevators). No entry doors to each unit are permitted.

§ 68-173.2 Affordable housing.

A. Minimum requirements. A minimum of 10% of all dwelling units permitted pursuant to this article shall be designated as affordable housing onsite in accordance with Town standards.

B. Affordable housing density bonus. Provided that a minimum of 20% of all units permitted pursuant to § 68-166.1A and B are maintained as affordable units onsite, additional density may be permitted by the Town Board after public hearing pursuant to the following provisions:

(1) The maximum permitted density for apartment houses or garden apartments may be increased, provided that each additional unit above nine units per acre is designated as affordable housing in accordance with Town standards, or that a minimum of 20% of the total number of units are designated as affordable, whichever is more restrictive.

(2) The maximum permitted density for attached single-family dwellings may be increased, provided that each additional unit above six units per acre is designated as affordable housing in accordance with Town standards, or that a minimum of 20% of the total number of units are designated as affordable, whichever is more restrictive.

(a) To qualify for the affordable housing density bonus on attached single-family dwellings, the sales prices of affordable units shall be established such that the units are affordable for households whose earnings do not exceed the median family income for the Nassau-Suffolk Metropolitan Area as established by the United States Department of Housing and Urban Development (HUD MFI), as adjusted for family size.

(b) If the sales prices of the affordable units are set lower than as described in § 68-173.2B(2)(a), fewer affordable units may be required to meet the density bonus requirements. The percentage reduction in the number of affordable units required shall be equal to the percent change in affordability from the HUD MFI, (i.e., units designated as affordable to households earning 80% of HUD MFI shall be permitted a reduction of 20% in the number of affordable units required to qualify for the affordable housing density bonus).

(c) The Town Board in its discretion may permit a range of affordability levels for a particular project, provided that the average level of affordability complies with these requirements.

§ 68-173.4 Clustered Housing & Recreational Uses.

A. In the Residence CA District the following recreational uses shall be allowed as an additional use to the uses permitted under Section 68-166.1: golf courses, commercial equestrian stables and riding academies, and community gardens.

B. Maximum permitted density shall be determined based on the total lot area of the subject parcel and may include density bonuses pursuant to Section 68-173.1. The residential development rights of the portion of the subject parcel devoted to the recreational use shall be transferred to the portion of the subject parcel devoted to the permitted use. The portion of the subject parcel devoted to the recreational use shall not be developed or used for residential purposes or for any purpose other than the recreational use. A restrictive covenant shall be recorded by the property owner prior to any site plan approval evidencing such transfer of residential development rights.

C. To enable and encourage flexibility of design so as to allow recreational uses as a component of development undertaken pursuant to this section and provide visual open space, the Planning Board shall establish the requirements for lot width and setbacks. A restrictive covenant shall be recorded by the property owner prior to any site plan approval setting forth the Planning Board's determination regarding such requirements.

Article XIII A Use District Regulations: Downtown Development District

§ 68-180.6 Development bonus provisions.

Building Type	Maximum Height	Minimum Lot Size (sq. ft.)	Max. FAR¹	Maximum Density
Attached single -family townhome	35 feet or 3 stories	21,500 (per unit lot)	0.60	17 units per acre
Garden apartment	35 feet or 3 stories	40,000	0.60	17 units per acre
Apartment house ²	65 feet or 5 stories	20,000	2.5 2.0	38 units per acre
Office-commercial	65 feet or 5 stories	10,000	2.0	—
Mixed-use building ⁶	65 feet or 5 stories	10,000	2.5	Minimum average gross floor apartment 500 square feet

² Also multistory condominium/cooperative having a common entrance area. Apartment houses shall be prohibited on Main Street (New York State Route 27A).

⁶ A minimum of 50% of the gross floor area of the first floor shall be comprised of commercial space for a mixed use building.

§ 68-180.9 Architectural requirements.

- C. Surface parking underneath buildings shall be screened from public view pursuant to the direction of the Planning Department.

Article XV: Use District Regulations: General Service D District

§ 68-196.1 Uses permitted by special permit from Planning Board.

The following uses are permitted after the review and approval of the Planning Board without complying with the notice requirements of § 68-32, subject to compliance with the following criteria:

- (1) A parking relaxation of no greater than 20%.
- (2) A landscaping relaxation of no greater than 20%.
- (3) Approval will not result in any on- or off-site traffic impacts, as determined by the Planning Board.
- (4) The use is consistent with the spirit and intent of the Town Code and Comprehensive Plan.

B. Uses.

- (1) Outdoor storage of registered passenger vehicles, recreational vehicles or marine vessels, including rental moving trucks as an accessory use to a mini storage warehouse, provided that all vehicles are set back a minimum distance of 50 feet from any street and 200 feet from any residential use or zone and provided that such vehicles are properly screened from view with fencing and/or landscaping pursuant to the direction of the Planning Board. Said storage shall consist of no more than 20% of the overall area of the site and height of vehicles shall not exceed 20 feet. Outdoor storage shall not count towards minimum parking requirements. A supplemental buffer shall be planted as per the Subdivision and Land Development Regulations when said outdoor storage is adjacent to a residential use or zone.

Article XVIII: Use District Regulations: Recreation Service G District

§ 68-243.1 Uses permitted by special permit from Planning Board after public hearing.

- (16) Indoor recreational uses not specified in §68-242

Article XIX: Use District Regulations: Business District

§ 68-257.1 Uses permitted by special permit from Planning Board after a public hearing.

~~E. Single family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for dwellings in a Residence AA District are met.~~

~~L. Two family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two family dwellings in a Residence CAA District are met.~~

§ 68-258 Uses permitted as special exception by Board of Appeals after public hearing.

B. Single-family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for dwellings in a Residence AA District are met.

C. Two-family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two-family dwellings in a Residence CAA District are met.

§ 68-259 Accessory uses

A. The following accessory uses shall be permitted when located on the same lot with the authorized use:

(4) Game room as an accessory to a bar, tavern or nightclub only.

§ 68-260 Height.

A. Buildings and structures.

(1) In Business BD District, no building or structure shall be erected or altered to a height in excess of 35 feet or 2-1/2 3 stories.

(2) The Planning Department reserves the right to require additional architectural elements, such as cornices, parapets, pitched roofs and windows. The design and materials of all elements of the building shall be subject to Planning Division approval.

Article XX: Use District Regulations: Business 1 District

§ 68-271 Permitted uses.

B. Craft Trade Shop

§ 68-272.1 Uses permitted by special permit from Planning Board after public hearing.

B. Billiard hall

~~D. Single family detached dwelling and accessory structures, provided the requirements for height, yard setbacks, plot area and width, and occupancy in a Residence AA District are met.~~

~~P. Two family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two family dwellings in a Residence CAA District are met.~~

§ 68-272.2 Uses permitted by special permit from Planning Board.

A. The following uses are permitted after the review and approval of the Planning Board without complying with the notice requirements of § 68-32, subject to compliance with the following criteria:

~~(6) Spray booth when operated as an accessory to a primary permitted use. Such uses shall be a minimum of 300 feet from any residential use or zone, school, day care center, camp, park, playground or playing field.~~

B. Uses.

(5) Outdoor storage of registered passenger vehicles, recreational vehicles or marine vessels, including rental moving trucks as an accessory use to a mini storage warehouse, provided that all vehicles are set back a minimum distance of 50 feet from any street and 200 feet from any residential use or zone and provided that such vehicles are properly screened from view with fencing and/or landscaping pursuant to the direction of the Planning Board. Said storage shall consist of no more than 20% of the overall area of the site and height of vehicles shall not exceed 20 feet. Outdoor storage shall not count towards minimum parking requirements. A supplemental buffer shall be planted as per the Subdivision and Land Development Regulations when said outdoor storage is adjacent to a residential use or zone.

§ 68-273 Uses permitted as special exception by Board of Appeals after public hearing.

C. Single-family detached dwelling and accessory structures, provided the requirements for height, yard setbacks, plot area and width, and occupancy in a Residence AA District are met.

D. Two-family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two-family dwellings in a Residence CAA District are met.

Article XXI: Use District Regulations: Business 2 District

§ 68-287.1 Uses permitted by special permit from Planning Board after public hearing.

B. Assembly and social recreation hall

~~N. Single-family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for dwellings in a Residence AA District are met.~~

~~O. Two-family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two-family dwellings in a Residence CAA District are met.~~

Article XXII: Use District Regulations: Business 3 District

§ 68-301 Permitted Uses

G. Craft Trade Shop

P. Restaurant, minor

§ 68-302 Uses permitted by special permit from Town Board after public hearing.

D. Car wash (motor vehicle wash).^[3]
[Added 12-12-2006]

Q. Boardinghouse or lodging house.
[Added 12-7-1971]

§ 68-302.1 Uses permitted by special permit from Planning Board after public hearing.

S. Single family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for dwellings in a Residence AA District are met, after public hearing. (See § 68-64 et seq.)
[Added 6-8-2010]

T. Two family detached dwelling, provided the requirements for height, yard setbacks, plot area and width, and occupancy for two family dwellings in a Residence CAA District are met, after public hearing. (See § 68-154 et seq.)
[Added 6-8-2010]

W. Car wash (motor vehicle wash)

§ 68-302.2 Uses permitted after review and approval of Planning Board.

A. The following uses are permitted after the review and approval of the Planning Board without complying with the notice requirements of § 68-32., subject to compliance with the following criteria:

D. — Uses
(1) Minor restaurant

§ 68-305 Accessory uses.

A. The following accessory uses shall be permitted when located on the same lot with the authorized use:

(3) Game center. A single live-work unit as an accessory use to a permitted marina.

§ 68-308 Area density.

C. The minimum required plot area for business uses, shall be 7,500 20,000 square feet except as otherwise provided herein.

F. The minimum required plot area for a car wash (motor vehicle wash), ~~motor vehicle dealership~~ or fast-food restaurant shall be 40,000 square feet.

K. The minimum required plot area for a motor vehicle dealership shall be 160,000 square feet.

Article XXIII: Use District Regulations: Industrial Districts Generally

§ 68-318 Road improvements.

E. No certificate of occupancy shall be issued unless all of the requirements hereunder shall have been met and improvements installed, inspected and approved. ~~The Director of Building and Housing Commissioner of Planning or the Commissioner's designee~~ is authorized to issue any certificate of occupancy notwithstanding the incompleteness of site or road improvements whenever weather, acts of God, war, strikes or other circumstances exist which delay the installation or completion thereof and provided a suitable assurance or guaranty of completion cash bond, performance bond, irrevocable letter of credit or other guaranty is provided in lieu thereof.

§ 68-320 Detailed plot plans.

No building shall be erected or land hereafter used for any purpose in an industrial district until six copies of a plot plans are submitted to and approved by the ~~Director of Building and Housing Commissioner of Planning or the Commissioner's designee.~~ Such plot plan shall comply with Article XXXI and:

Article XXV: Use District Regulations: Industrial 1 District

§ 68-338 Permitted use.

S. ~~(Reserved)~~ Auction House

X. Restaurant, minor

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

S. ~~(Reserved)~~ Outdoor overnight storage of vehicles, boats, recreational vehicles, construction and heavy construction equipment, and related equipment in connection with sale by auction provided that such vehicle, boat or equipment is not located within the front yard, or second front yard. Passenger vehicles shall be set back a minimum of 50 feet from any residential use or zone, and shall be properly screened from view with fencing and/or landscaping at the direction of the Planning Board. All other vehicles, boats or equipment shall be setback a minimum of 100 feet from any residential use or zone, and shall be properly screened from view with fencing and/or landscaping at the direction of the Planning Board. A supplemental buffer shall be planted as per the Subdivision and Land Development Regulations when this use is adjacent to a residential use or zone. Such supplemental buffer may be waived at the reasonable discretion of the Planning Board upon a determination that there already exists there is an adequate buffer and plantings.

§ 68-340.2 Uses permitted by special permit from Planning Board.

A. The following uses are permitted after the review and approval of the Planning Board without complying with the notice requirements of § 68-32, subject to compliance with the following criteria:

B. Uses.

(1) ~~Minor restaurant~~ Outdoor storage of registered passenger vehicles, recreational vehicles or marine vessels, including rental moving trucks as an accessory use to a mini storage warehouse, provided that all vehicles are set back a minimum distance of 50 feet from any street and 200 feet from any residential use or zone and provided that such vehicles are properly screened from view with fencing and/or landscaping pursuant to the direction of the Planning Board. Said storage shall consist of no more than 20% of the overall area of the site and height of vehicles shall not exceed 20 feet. Outdoor storage shall not count towards minimum parking requirements. A supplemental buffer shall be planted as per the Subdivision and Land Development Regulations when said outdoor storage is adjacent to a residential use or zone.

§ 68-341.1 Adult uses.

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

VAPE SHOP

A retail outlet specializing in the sale and/or distribution, with a minimum of 10% of the store's inventory and/or display, of any electronic cigarette or vapor products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; hookahs; hookah tobaccos.

C. The adult uses as defined in Subsection B above are to be restricted as to location in the following manner in addition to any other requirements of this Code.

- (1) Any of the above uses shall not be located within a five-hundred-foot radius of any area zoned for residential use.
- (2) Any of the above uses shall not be located within a one-half-mile radius of another such use.
Exception: Vape Shop or Lounge shall only be measured from other Vape Shops or Lounges.
- (3) Any of the above uses shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

F. By amortization, the right to maintain a legal nonconforming adult use shall terminate in accordance with the following schedule:

Amount of Capital Investment to Establish Use*
as of the Effective Date of this Ordinance⁽¹⁾

0 to 5,000 \$20,000

5,001 \$20,001 to 8,000 \$30,000

8,001 \$30,001 to 15,000 \$50,000

Date Before Which Use Shall Terminate Prior to:

January 1, 1982 one year from qualifying as adult use herein

January 1, 1983 two years from qualifying as adult use herein

January 1, 1984 three years from qualifying as adult use herein

**Amount of Capital Investment to Establish Use*
as of the Effective Date of this Ordinance^(H)**

15,001\$50,001 to 22,000\$75,000

22,001\$75,001 or more

**~~Date Before Which Use Shall
Terminate Prior to:~~**

January 1, 1985 four years from
qualifying as adult use herein

January 1, 1986 five years from
qualifying as adult use herein

*NOTE: The term "capital investment," as used above, is defined to mean the initial outlay by the owner or operator of the use to establish the business ~~as of the date of the enactment of the ordinance~~, exclusive of the fair market value of the structure in which the use is located.

Article XXVI: Use District Regulations: Industrial 2 District

§ 68-357 Uses permitted as special exception by Board of Appeals after public hearing.

A. ~~Brewing or distilling of beverages.~~

Article XXVII: Retail Fuel Service Stations

§ 68-370 Use permitted only by special permit from Town Board or Planning Board after public hearing.

A gasoline service station shall be permitted in a Business 3 District only ~~and when specifically authorized by special permit from the Town Board after a public hearing, or in the Industrial Corridor District only when specifically authorized by special permit from the Planning Board after public hearing.~~

Article XXIX Signs

§ 68-396 Prohibited signs.

[Amended 12-15-1981]

Any sign not specifically permitted is prohibited and shall be removed. Prohibited signs include but are not limited to the following:

O. Box and cabinet facial signs. Any sign with a plastic, acrylic, or similar material face (panel) attached to a metal or similar material frame (cabinet). This shall include push-through and embossed type box and cabinet facial 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.

~~(6) Appearance. Facial signs existing in a shopping center or on three or more consecutive establishments shall be of uniform design, including size, materials and height. Modifications of uniform design shall be subject to the approval of the Planning Board.~~

~~[Added 8-25-1987; amended 8-5-2014]~~

(6) Appearance. The shape, size and location of wall or fascia signs shall be designed, constructed and maintained so as to fit into the architectural features of the building. Indirectly lit wood or metal letters, reverse lit channel letters, or individually lit channel letters are preferred.

- a. All wall or fascia signs on a site, center, complex or on the same building shall be designed, constructed and maintained to be contextually compatible to each other and the surrounding environment with regard to design, size, shape, location, material, and illumination. Modifications of uniform design shall be subject to the approval of the Planning Commissioner or designee.
- b. Wall or fascia signs shall not obscure windows or ornamental features of the building.
- c. Wall or fascia signs shall be set in at least eighteen (18") inches from each end of the wall on which they are located.
- d. Any new or replaced box and cabinet fascia signs are prohibited as of the date of this ordinance.

Article XXX Sight Obstructions, Fences, and Walls

§ 68-406 Fences and walls.

B. No portion of any fence, or wall, shall be higher than four feet above the ground at any point when set back less than 15 feet from a street property line. For corner lots, no fence, or wall, shall be higher than four feet above the ground at any point when set back less than 10 feet from the second front yard property line. This provision shall not apply to retaining walls, which shall be set back from street and second front yard property lines in accordance with § **68-406F**. For through lots, a fence up to six feet in height may be located on a through lot front yard property line, however, it shall be set back at least 5 feet from a sidewalk or edge of road pavement. No fence shall be higher than six feet when set back less than 15 feet from a through lot front yard property line.

(2) Exception: For commercial properties with frontage along Sunrise Highway (SR 27), Veterans Memorial Highway (SR 454) or the Long Island Expressway (Interstate 495), a fence, no higher than 8 feet, may be located on the rear or side property line abutting a residential use.

J. No chain link (cyclone) fence shall be permitted in the front yard on all properties located in all Business and General Service Districts.

Article XXXII: Arterial Highway Setbacks

§ 68-411 Enumeration of setbacks on specific highways and associated service roads.

All buildings or structures erected on any of the arterial highways listed below shall require a setback of not less than the amount shown herein:

Sunrise Highway (State Rte. No. 27)	50 feet	East side of Brightwaters village line east to intersection w.
	50 feet	Babylon town line to west side of Brightwaters village line
Sunrise Highway (State Rte. No. 27)	60 feet	Montauk Hwy., Oakdale, east to Brookhaven town line
<u>Sunrise Highway (State Rte. No 27)</u>	<u>100 feet</u>	<u>For all residential uses Townwide</u>

**Article XXXVIII: Special Regulations and Standards Dealing with Property in the Fire Island
National Seashore**

§ 68-430 Special permit procedure.

A. Upon receipt of an application for a building permit in a business zone, the ~~Director of the Building Division~~ Commissioner of Planning or the Commissioner's designee shall follow the procedure set forth in Chapter 13B, Environmental Quality Review.

Article XXXIX: Tents

§ 68-433 Tents in residential use districts.

A. Tents shall be permitted in residential use districts only as an accessory use and only in conformity with the regulations set forth herein.

B. No tent or combination of tents totaling an excess of ~~120~~200 square feet or canopies in excess of ~~200~~400 square feet in area shall be erected or maintained in any residential use district without first obtaining a tent and canopy permit from the Division of Fire Prevention.

§ 68-434 Tents in all other use districts.

[Amended 5-28-2008; 2-28-2017]

~~A. No tent or combination of tents totaling an excess of 200 square feet or canopies in excess of 400 square feet in area shall be maintained in any use district (other than residential) without first obtaining a permit from the Division of Fire Prevention. This subsection shall not apply to tents which are located in other than residential districts and which are accessory to and no larger in total area than the permanent main structure located on the same parcel as the tent.~~ Tents, canopies and membrane structures having a total area in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a tent permit from the Division of Fire Prevention.

EXCEPTION:

A tent permit is not required for tents that are open on all sides and comply with all of the following:

1. Individual tents having a maximum size of 700 square feet.
2. The aggregate area of multiple tents placed side by side without a fire break clearance of twelve feet, not exceeding 700 square feet total.
3. A minimum clearance of 12 feet to all structures and other tents.

B. Tents or canopies located in other than residential use districts shall be a minimum of 200 feet from the nearest residence.

C. There must be, within a reasonable distance from the tent or canopy, one off-street parking space for every ~~50~~ square feet of area occupied by the tent or tents.

D. No noise emanating from any activity occurring in or at the tents or canopies shall be audible more than 500 feet into the nearest residential area.

E. No tent or canopy requiring a permit pursuant to this section shall be erected or maintained for a period of time in excess of 14 30 days for a retail use or 180 days for a restaurant use. Only one such permit shall be granted on a site per calendar year. In the case of three-day events, a maximum of three events per calendar year may be permitted.

F. Tents erected and in use for longer than 30 days shall require additional inspections at the discretion of the Chief Fire Marshal to ensure public safety.

G. Tents, when utilized as an accessory use to a restaurant, shall require the review and approval of the Planning Board.

H. All tents shall comply with all applicable zoning requirements of the underlying district it is located in.

§ 68-436 Fee.

The fee for a tent permit shall be \$75 for residential parcels and \$150300 for commercial parcels.

Article XLI Planned Landmark Preservation Overlay District (PLP)

§ 68-448 Definitions.

CERTIFICATE OF APPROPRIATENESS

A document evidencing approval by the Planning Board of a proposal to make a material change of use or appearance which must be obtained before a permit may be issued by the Director of Building and Housing Commissioner of Planning or the Commissioner's designee.

ORDINARY REPAIRS AND MAINTENANCE

Any work done on any improvement in the nature of a replacement or reconditioning for which no permit would customarily be required from the Director of Building and Housing Commissioner of Planning or the Commissioner's designee or from any other governmental agency, where the purpose and effect of such replacement or reconditioning is to correct any deterioration of or damage to the improvement or any part thereof and to restore same, as nearly as practicable, to its condition and appearance prior to the occurrence of such deterioration, decay or damage.

§ 68-449 Establishment of districts.

In order to effect and further the purposes of this article, the following procedure is provided for establishment of Planned Landmark Preservation Overlay Districts:

~~C. On adoption of any Planned Landmark Preservation Overlay District, such amendment shall be filed within seven days with the Town Clerk, the Commissioner of Planning and Development, the Planning Board, the Director of Building and Housing and the Historical Landmark Preservation Committee.~~

§ 68-450 Application of regulations.

The regulations of the districts upon which this overlay district is superimposed are in addition to the existing underlying district. However, the provisions of the overlay district shall apply where

there is a conflict. The following material change of use or appearance provisions of any overlay district shall always take precedence:

A. Any action which requires the issuance of a building permit or certificate of occupancy by the ~~Director of Building and Housing~~ Commissioner of Planning or the Commissioner's designee in accordance with Article IV.

B. Any exterior alteration or repair of an existing building or structure, or the relocation of an existing building or structure which does not require a building permit in accordance with Article IV.

C. Any site improvement involving a change in the terrain such as land contour work, topographic modifications, excavating, filling, dumping, removal of significant trees or other vegetation, modification of existing landscaping or any natural features on vacant land or land with minor improvements for which no permit is required by the ~~Director of Building and Housing~~ Commissioner of Planning or the Commissioner's designee.

§ 68-451 Application procedure.

Any proposed action in an adopted Planned Landmark Preservation Overlay District shall be the subject of an application to the appropriate agency in accordance with the following procedures:

A. Application types.

(2) Material change of use or appearance. Application shall be made to the Town of Islip Planning Board for a certificate of appropriateness indicating that the proposed material change of use or appearance conforms to both the regulations of the underlying districts and to the standards of development and such other techniques or policies, and other regulatory findings as are contained in the statement incorporated in the subject overlay district. After a public hearing, such a certification, if approved, shall authorize the issuance of an appropriate building permit by the ~~Director of Building and Housing~~ in conformance with the findings of the Planning Board. No work of any kind shall be undertaken by the applicant prior to the issuance of such a permit.

B. General procedure and standards.

(4) ~~The Planning Board, or the Town Board in appropriate cases, shall give notice of any determination to the applicant and to the Director of Building and Housing and to other concerned public officials and agencies within five days of the decision.~~

~~§ 68-453 Administration and enforcement.~~

~~A. The Director of Building and Housing shall administer and enforce the provisions of this article. In connection with overseeing this responsibility, the Director shall provide a permit procedure coordinated with the established building permit procedure and certificate of occupancy procedure.~~

Article XLIII Use District Regulations: Industrial Corridor District

§ 68-472 Front yard.

A. All buildings, except those listed below, shall have a primary front yard setback of 100 feet along Veterans Memorial Highway and a minimum secondary front yard setback of 50 feet along any other roadways. A minimum of 40 feet of that portion of said yard bordering Veterans Memorial Highway shall be landscaped in accordance with Town of Islip Subdivision and Land Development Regulations. A maximum of 10 feet of this requirement can be located in the Veterans ~~Manorial~~-Memorial Highway right-of-way. A minimum of 25 feet of that portion of the front yard bordering streets intersecting Veterans Memorial Highway shall be similarly landscaped.

Article XLV: Use District Regulations: General Service T District

68-489.2 Uses permitted after review and approval of Planning Board

A. The following uses are permitted after the review and approval of the Planning Board without complying with the notice requirements of § 68-32, subject to compliance with the following criteria:

- (1) A parking relaxation of no greater than 20%.
- (2) A landscaping relaxation of no greater than 20%.
- (3) Approval will not result in any on- or off-site traffic impacts, as determined by the Planning Board.
- (4) The use is consistent with the spirit and intent of the Town Code and Comprehensive Plan.
- (5) The site is not adjacent to any residential use or zone.

§ 68-493 Percentage of lot occupancy.

A. The total building area, including all buildings, shall not exceed a floor area ratio (FAR) of 0.25. An unenclosed front porch shall be excluded from these calculations.

B. A minimum of 75% of the gross floor area of the first floor shall be comprised of non-retail commercial space for a mixed use building. For existing structures, this requirement may be reduced by the Planning Board if it is determined that a parking relaxation would be mitigated with more dwelling units. In no event shall the commercial space comprise less than 50% of the first floor.

C. The FAR shall not exceed 0.275 when the bonus density set forth in § 699-b(a) of the General Municipal Law applies unless authorized by the Zoning Board of Appeals.

§ 68-498.1 Permitted encroachments.

The following encroachments are hereby permitted:

- A. Cornices, eaves, gutters and chimneys projecting not more than 24 inches.
- B. Bay windows and fireplaces not wider than six feet and not projecting more than 24 inches.
- C. Open and unroofed entrance platforms or terraces not more than six feet in width nor more than three feet in height. The Commissioner of Planning and Development, or the

Commissioner's designee, may vary this requirement upon a showing of necessity to enter the permitted building from a greater height or distance. Only that height or distance that is necessary to enter the dwelling from average grade may be 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 6 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.

E. Open and unroofed decks 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 open or unroofed deck have a depth, at any point, greater than 6 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 deck.

F. Cellar 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.

G. Subsurface emergency escape and rescue openings and window wells, provided that no portion of same is more than six inches above grade. These shall be permitted up to three feet into any conforming setback.

Article XLVI: Use District Regulations: Residential Redevelopment District

§ 68-504 **Accessory uses.**

~~B. The Director of Building and Housing is hereby authorized to establish reasonable rules and regulations to administer and enforce the provisions of § 68-48A.~~

Article LII Exterior Lighting Standards

68-685 Placement and height of fixtures for residential and nonresidential exterior lighting.

~~C. Privately owned or leased light fixtures located on public utility poles or located in the public right of way are prohibited.~~

§ **68-687** Illuminance and type of lamp for all nonresidential exterior lighting.

~~C. Light emitting diodes rated at 4000k or less High pressure sodium, compact fluorescent or low pressure sodium shall be used for all light sources rated over 1,800 lumens (100 watts incandescent). Metal halide (MH) rated over 3,000K, light emitting diodes rated over 4000k, and mercury vapor (MV) light sources are not permitted.~~

Article LIII: Use District Regulations: Industrial Transition District

§ 68-706 Percentage of lot occupancy and floor area ratio.

~~B. For a mini storage warehouse, the total building area, including all structures, shall not exceed an FAR of 0.42.~~

TOWN BOARD RESOLUTION

Date: December 17, 2019

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development and the Office of the Town 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 code changes will be referred to the Suffolk County Planning Commission, and

WHEREAS, upon receipt of comments from the Suffolk County Planning Commission, the Planning Department will request the Clerk's Office to publish for a public hearing; and

WHEREAS, a review of the environmental impacts of these proposed regulations will be fully analyzed in connection with the State Environmental Quality Review Act;

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Clerk is authorized to advertise for a public hearing, having received notification from the Planning Department of receipt of the Suffolk County Planning Commission comments to consider enacting Local Law 2 of 201⁹ amending the Islip Town Code Chapter 68, §68-324 and §68-334.

SEE ATTACHED

**Additions are indicated by UNDERLINING
Deletions are indicated by ~~STRIKEOUTS~~**

Upon a vote being taken the result was:

Chapter 68 Zoning

Local Law Amendments

Article XXIV: Use District Regulations: Planned Development District

§ 68-324 Subdistrict regulations.

A. Retail/service.

(1) Permitted uses.

(i) Churches or other similar places of worship, parish houses or cemeteries

§ 68-334 Mitigation fees.

[Added 4-5-2005]

B. Fifty percent of the total mitigation fee shall occur upon be paid prior to the issuance of a building permit. The remaining fifty percent of the total fee balance of the fee shall be submitted upon final paid prior to the issuance of the initial certificate of occupancy. All development/redevelopment occurring on or after the adoption of this section is subject to this mitigation requirement.