

Article I General Provisions

§ 68-3 Word usage and definitions.

B. Definitions.

CANNABINOID HEMP

Any product processed or derived from hemp, that is used for human consumption, including for topical application, for its cannabinoid content, that does not contain more than 0.3% THC. Cannabidiol or "CBD" products are an example of cannabinoid hemp products and can come in a variety of different forms, including, but not limited to, tinctures (CBD oil), pills, capsules, balms, lotions and food or beverage products. Other hemp-derived products such as hemp seeds or hemp seed oil, which do not contain cannabinoids, are regulated as foods and not under the scope of this program. Cannabinoid hemp product does not include cosmetics.

COMMERCIAL EQUIPMENT

Equipment or machinery designed or intended for construction, professional landscaping or property maintenance including but not limited to excavators, loaders, bulldozers, earthmovers, forklifts, vehicle lifts, snowplows and other similar equipment.

COMMERCIAL TRAILER

Any device mounted upon wheels and incapable of locomotion under its own power, which is normally connected to a motorized unit, that is for commercial use and not personal use or trailers bearing commercial advertising or identification including but not limited to trailer mounted air compressors, generators, pumps, woodchippers, stump grinders and light towers.

COMMERCIAL VEHICLE

A vehicle designed or intended for commercial use including but not limited to vehicles with a registration weight exceeding 9,000 pounds, vehicles bearing commercial advertising or identification, minibuses, tractor trailer combination (or either component thereof).

DRIVEWAY

The front yard area consisting of asphalt, gravel, stone or other installed hard surface, to be used primarily for the parking of vehicles which are not prohibited.

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:

(e) Storage space; including the area below a dwelling that has been raised for floodproofing or other purposes, with headroom of seven feet six inches or more, and fully enclosed with walls.

LOT AREA

The total area measured inside all the lot lines, leaving out the underwater or steep slope portion.

PARSONAGE

A dwelling (either detached or attached to a house of worship) provided to a minister by the governing board of a house of worship and located on the same property as the house of worship.

PERSONAL TRAILER

Any device mounted upon wheels and incapable of locomotion under its own power, which is normally connected to a motorized unit, for transporting or hauling boats, homes, automobiles, motorcycles, recreational vehicles, equipment, and other materials, as well as other recreational trailers.

SMOKE/VAPE LOUNGE

Any facility or location whose business operation includes the on-site indoor smoking of cigarettes, electronic cigarettes, vape pens, vapors, and pipes, e-liquids, as defined herein, or other substances. "Smoking" includes the inhalation of the smoke/e-liquid nicotine/vapors water pipe tobacco and other substances encased in electronic cigarettes, vape pens, vapors, and pipes or any similar device.

SMOKE/VAPE SHOP

Any establishment which offers for sale or consideration, cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances, as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

STRUCTURE, COMMERCIAL

~~Any residential structure containing more than two attached dwelling units, regardless of height of said structure(s), and all other primary structures not used as a detached single family dwelling or two family dwelling.~~

~~{Added 12-15-2009}~~

SUBSTANTIAL OR SIGNIFICANT PORTION

(1) A substantial or significant portion shall be determined using the following considerations:

(a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances generally, or as compared to the total floor area and basement space accessible to customers; and/or

(b) Amount of cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances accessible to customers, generally, or as compared to total stock accessible to customers; and/or

(c) Revenues derived from cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances compared to total revenues; and/or

(d) Advertising devoted to cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances, general, or compared to total advertising; and/or

(e) Use of the establishment for cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances, general, or compared to total use thereof; and/or

(2) Notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:

(a) Ten percent or more of floor area and basement space accessible to customers allotted to cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances; and/or

(b) Ten percent or more of its stock-in-trade in cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances; and/or

(c) Ten percent or more of its gross income derived from cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances; and/or

(d) Ten percent or more of its advertising devoted to cigarettes, electronic cigarettes, electronic pipes, pipes, vape pens and products, vapors, e-liquid, marijuana derivatives, cannabinoid hemp, including CBD but not THC or other substances.

UNLICENSED VEHICLE

Any vehicle which does not have displayed thereon license plates registered to that vehicle, including vehicles without license plates and vehicles with expired license plates.

YARD, COURT

That part of a yard not the front yard, lying between any part of a building or buildings and the front yard setback line.

YARD, SECONDARY FRONT (CORNER)

The space between the property line adjacent to the street and the nearest part of any building not exhibiting the front door and not a through lot front yard.

§ 68-8 Lapse of permits.

Abandonment of project for which authorization, approval or special permit is granted. Any building permit authorized, approved or granted by authorization of a special permit by the Town Board shall become null and void if said building permit has not been secured within 12 months from the date of such authorization, approval or special permit and work commenced thereunder and completed within 24 months from the date of the issuance of said permit, or the lot or premises used for the purposes granted by the said authorization, approval or special permit within 12 months from the date of order or decision of said Town Board.

§ 68-12 Zoning Map; district boundaries.

B. The boundaries between use districts are, unless otherwise indicated, either along the boundary lines of various properties and lots or the center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Map between a street line and a district boundary line, they indicate the distance therefrom equivalent to the number of feet so indicated. When the location of a use district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line; where the street layout actually on the ground varies from the street layouts as shown on the Zoning Map, the designations shown on the mapped street shall be applied in such a way as to carry out the intent and purpose of this ordinance for the particular area in question. Lands lying under water shall be considered as being in the same district as the abutting upland, for a distance of 100 feet from said upland, unless specifically classified and designated otherwise. When property is located in two different zones, it must meet the higher zoning classification, except in those cases where the higher zoning classification of the parcel consists of 10% or less of its overall area. Lots utilized for railroad right-of-way uses shall not be classified as residentially zoned.

§ 68-31 Procedure.

A. The Town Board may ~~from time to time~~, on its own motion or ~~on~~ upon application ~~or on~~ recommendation of the Planning Board, amend, change, supplement or repeal the regulations, restrictions, district boundaries and provisions of this chapter, including the Zoning Map, after public notice and hearing in accordance with the provisions of the Town Law. The Town Board shall not be required to hear, consider, or make a determination on each application for an amendment or change to the Zoning Map (i.e., a change of zone).

B. ~~Such~~ A proposed amendment or change, whether initiated by the Town Board or by application, may be referred to the Planning Board for a ~~report~~ recommendation thereon. ~~The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment or change and cause notice to be given in accordance with provisions of the Town Law.~~ In such an event, the recommendation of the Planning Board shall be advisory only and shall not be binding on the Town Board. The Town Board shall not be required to hear, consider, or make a determination on any proposed amendment or change that does not receive a recommendation for approval by the Planning Board.

Article V Use District Regulations: Residence AAA District

§ 68-47.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

~~A. It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor trailer combination (or either component thereof).~~

~~B. It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ 68-48A(1)(e) and 68-47J.~~

§ 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:

(c) Residential docks.

[1] It shall be the policy of the Town of Islip that all docks shall be designed, constructed and located so as to reduce a dock's potential adverse impacts to navigation, public safety, harbor area congestion, access to public trust lands and water, aesthetics, natural resources, habitats and the bottoms of harbor areas. Conformance to the following standards will serve as a basis for granting, denying, or limiting permits for the construction of docks.

[2] The standards for a residential dock shall be as follows:

[a] In no case shall the dock length exceed beyond a water depth of four feet below the low water mark as measured at average tide. For this provision only, dock length shall include the fixed dock, ramp and floating docks, and any boat berthed at the docks, but in any event not to exceed 50 feet in length, or exceed 25% of the width of the harbor area, whichever of these provisions is less.

[b] Only one residential dock may be constructed per residential lot, provided that the underwater land is not owned by the County of Suffolk or another private property owner, such as a neighbor.

~~**(e)** Parking of commercially registered pickup trucks or vans having a gross vehicle weight of less than 9,000 pounds, provided that either type of vehicle does not bear any commercial advertising or identification; pickup trucks or vans having a gross vehicle weight of less than 9,000 pounds and bearing commercial identification may be parked only between 8:00 p.m. and 7:00 a.m., provided that any such vehicle is within an enclosed garage.~~

~~**(h)** Personal trailer storage. Trailers may be stored, subject to the following regulations:~~

~~[1] Personal trailer storage is restricted to the rear yard, side yard, and driveway;~~

~~[2] Any personal trailer(s) stored on land may not encroach upon a public right-of-way;~~

~~[3] Any trailers(s) stored pursuant to this section which are required to be registered with the New York State Department of Motor Vehicles must have a current registration and/or documentation.~~

(r) A parsonage as an accessory use to a house of worship, provided the dwelling meets the dimensional zoning requirements of a single-family dwelling of the underlying zoning district.

§ 68-54 Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a minimum required front yard of 50 feet; ~~provided, however, that 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 70 feet.~~

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~~ building, as defined in § 68-3, Definitions, than the following distances:

- (a) Structures no more than six feet high: four feet.
- (b) Structures over six feet high: 20 feet.

Article VI Use District Regulations: Residence AA District

§ 68-62.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

- ~~**A.** It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).~~
- ~~**B.** It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ ~~68-48A(1)(e)~~ and 68-47J.~~

§ 68-69 Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a minimum required front yard of 40 feet. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 60 feet, unless arterial highway setback is greater (see Article XXXII).~~

Article VII Use District Regulations: Residence A District

§ 68-78.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

- ~~**A.** It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).~~
- ~~**B.** It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ ~~68-48A(1)(e)~~ and 68-47J.~~

§ 68-84 Front yard.

A. Main buildings.

(1) All buildings except accessory buildings hereafter erected shall have a required front yard of 40 feet. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 50 feet, unless arterial highway setback is greater (see Article ~~XXXII~~).~~

(2) Exception. In a Residence A District where the width of lot is 100 feet at thirty-foot setback line or more throughout, the front yard and through lot front yard setback may be a minimum of 30 feet.

Article IX Use District Regulations: Residence B District

§ 68-108.1 Prohibited uses.

All uses not expressly permitted are prohibited, including but not limited to the following:

~~**A.** It shall be unlawful to park or allow to be parked any vehicle registered as a bus, minibus or commercial vehicle, including a tractor-trailer combination (or either component thereof).~~

~~**B.** It shall be unlawful to park or allow to be parked any vehicle bearing commercial advertising or identification except as provided in §§ ~~68-48A(1)(e)~~ and ~~68-47J~~.~~

§ 68-114 Front yard.

A. Main buildings. All buildings except accessory buildings hereafter erected shall have a required front yard of 25 feet. ~~Provided, however, that if 25% of the block frontage on either side of the street is improved with buildings having a greater depth of front yard than is required by the ordinance, these new buildings shall have a front yard whose depth shall be equal to the average depth of front yard of such existing buildings. In no case shall the front yard be required to be greater than 50 feet, unless arterial highway setback is greater. (See Article ~~XXXII~~.)~~

Article XII Use District Regulations: Residence CAA District

§ 68-150.2 Permitted uses.

D. Public or parochial school.

§ 68-156 Area density.

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

Article XV Use District Regulations: General Service D District

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

B. Uses.

(1) Outdoor storage of storage pods/containers, 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 or storage pods/containers 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 XIX Use District Regulations: Business District (BD)

§ 68-262.1 Affordable housing.

A. A minimum of 10% of all apartments located within a mixed-use building with five (5) or more residential units shall be designated as affordable housing on site in accordance with Town standards.

§ 68-265

Front yard.

F. Through lots. A minimum front yard setback of 10 feet shall be required on ~~both street frontages of~~ a through lot front yard, unless arterial highway setback is greater (see Article XXXII).

Article XX Use District Regulations: Business 1 District

§ 68-271 Permitted uses.

N. Child or adult day-care center.

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

~~B. (Reserved)~~ Outdoor storage of storage pods/containers, 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 or storage pods/containers 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.

~~C. Outside seating as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements, and subject to the following requirements:~~

~~{Amended 9-11-2001}~~

~~(1) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off-site.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet.~~

§ 68-272.2 Uses permitted after review and approval of Planning Board.

B. Uses.

~~(2) Outside seating as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with the provisions of Subsection A of this section and subject to the requirements set forth in § 68-272.1C of this article.~~

~~{Amended 9-11-2001; 4-5-2005}~~

(5) Outdoor storage of storage pods/containers, 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 or storage pods/containers 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.

§ 68-274 Accessory uses.

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

(8) Outside seating may be permitted as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

§ 68-277 Area density.

~~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.~~

E. The minimum required plot area for public school, private or parochial school, nonprofit fraternity or lodge, church or other similar place of worship or parish house, funeral parlor/home, university or college dormitory, ~~psychiatric clinics or similar health related facilities, nursing homes or rest homes~~ shall be 20,000 square feet.

Article XXI Use District Regulations: Business 2 District

§ 68-286 Permitted uses.

O. ~~Child or adult~~ day-care center.

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

~~C. Outside seating as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements, and subject to the following requirements:~~

~~[Amended 9-11-2001]~~

~~(1) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet.~~

§ 68-287.2 Uses permitted after review and approval of Planning Board.

A. The following uses are permitted after the review and approval of the Planning Board, subject to compliance with the following criteria:

B. Uses.

~~(2) Outside seating as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with the provisions of Subsection A of this section and subject to the requirements set forth in § 68-287.1C of this article.~~

§ 68-289 Accessory uses.

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

(8) Outside seating may be permitted as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

Article XXII Use District Regulations: Business 3 District

§ 68-301.1 Permitted uses.

E. Child or adult day-care center.

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

~~G. Restaurant, fast food.~~

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

E. ~~Outside seating as an accessory use to a permitted bar, tavern, nightclub, restaurant or minor restaurant use,~~ provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

~~(1) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet.~~

(1) The outdoor area shall be located a minimum of 150 feet from any single-family residence.

(2) Outdoor loudspeakers of any kind shall not be permitted.

(3) The outside area shall not be permitted to operate past 2:00 a.m.

(4) Outside seating shall be permitted on the sidewalk area adjacent to a dedicated roadway between the hours of 10:00 a.m. and 11:00 p.m. for dining purposes only, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food.

S. Reserved Restaurant, fast-food, subject to meeting the criteria listed in Article XXXVI.

X. Smoke/vape shop, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

Y. Smoke/vape lounge, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

§ 68-305 Accessory uses.

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

(7) Outside seating may be permitted as an accessory use to a restaurant, minor restaurant, or fast food restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

Article XXVII Retail Fuel Service Stations

§ 68-371 Accessory uses.

B. The following uses, supplying goods and services generally required in the maintenance and operation of motor vehicles, are deemed accessory to a gasoline service station and shall be permitted, provided that the requirements of this article are met:

~~(1) Sale of products required in the maintenance and operation of motor vehicles, provided all storage of said products and all display of said products are confined entirely to the interior of a building or buildings located on said premises.~~

~~(2) Storage of a maximum number of five registered vehicles, provided that:~~

~~(a) The total plot area of the premises allotted to said storage is not less than 2,000 square feet; and~~

~~(b) The percentage of lot occupancy by the existing buildings and structures does not exceed 25% of the total lot area; and~~

~~(c) All areas necessary to ingress and egress are maintained clear; and~~

~~(d) No violations of the provisions of the ordinance exist; and~~

~~(e) Permission therefor has been granted by the Board of Appeals as a special exception pursuant to Article XXXIII hereof.~~

Article XXV Use District Regulations: Industrial 1 District

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

W. Smoke/vape shop, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

X. Smoke/vape lounge, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

Y. Outdoor storage of storage pods/containers, 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 or storage pods/containers 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.

§ 68-340.2 Uses permitted after review and approval of Planning Board.

B. Uses.

(1) Outdoor storage of storage pods/containers, 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 or storage pods/containers 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.

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

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

~~CANNABINOID HEMP~~

~~Any product processed or derived from hemp, that is used for human consumption, including for topical application, for its cannabinoid content, that does not contain more than 0.3% THC. Cannabidiol or "CBD" products are an example of cannabinoid hemp products and can come in a variety of different forms, including, but not limited to, tinctures (CBD oil), pills, capsules, balms, lotions and food or beverage products. Other hemp-derived products such as hemp seeds or hemp seed oil, which do not contain cannabinoids, are regulated as foods and not under the scope of this program. Cannabinoid hemp product does not include cosmetics.~~

~~CANNABINOID HEMP SHOP~~

~~An establishment that sells cannabinoid hemp products in their final form, to consumers to be used for human consumption or topical application, as a substantial or significant portion of its business, merchandise and/or stock in trade.~~

MEDICAL MARIJUANA DISPENSARY

A business organized for the purpose of distributing or dispensing cannabis solely for certified medical use. No medical marijuana dispensary shall operate within the Town of Islip unless it has complied with Article 3 of the Cannabis Law, Part 113 to Title 9 NYCRR, and is registered by the New York State Office of Cannabis Management. No portion of a building, structure or premises

approved or used as a medical marijuana dispensary shall be used as a marijuana retail store, dispensary, or on-site consumption site for recreational marijuana use pursuant to § 8-11. A medical marijuana dispensary shall submit evidence that all necessary licenses and/or permits have been obtained from New York State and all other applicable agencies to the Town prior to the issuance of a Certificate of Occupancy.

~~SUBSTANTIAL OR SIGNIFICANT PORTION CANNABINOID HEMP SHOP~~

~~(1) A substantial or significant portion shall be determined using the following considerations:~~

~~(a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of cannabinoid hemp compared to the total floor area and basement space accessible to customers; and/or~~

~~(b) Amount of cannabinoid hemp accessible to customers, generally, or as compared to total stock accessible to customers; and/or~~

~~(c) Revenues derived from cannabinoid hemp compared to total revenues; and/or~~

~~(d) Advertising devoted to cannabinoid hemp or like substances of any type, general, or compared to total advertising; and/or~~

~~(e) Use of the establishment for cannabinoid hemp or like substances of any type, general, or compared to total use thereof; and/or~~

~~(2) Notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:~~

~~(a) Ten percent or more of floor area and basement space accessible to customers allotted to cannabinoid hemp or like substances of any type; and/or~~

~~(b) Ten percent or more of its stock in trade in cannabinoid hemp or like substances of any type; and/or~~

~~(c) Ten percent or more of its gross income derived from cannabinoid hemp or like substances of any type; and/or~~

~~(d) Ten percent or more of its advertising devoted to cannabinoid hemp or like substances of any type.~~

~~SUBSTANTIAL OR SIGNIFICANT PORTION VAPE SHOP~~

~~(1) A substantial or significant portion shall be determined using the following considerations:~~

~~(a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, generally, or as compared to the total floor area and basement space accessible to customers; and/or~~

~~(b) Amount of electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type accessible to customers, generally, or as compared to total stock accessible to customers; and/or~~

~~(c) Revenues derived from electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total revenues; and/or~~

~~(d) Advertising devoted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total advertising; and/or~~

~~(e) Use of the establishment for electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type, general, or compared to total use thereof; and/or~~

~~(2) Notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:~~

~~(a) Ten percent or more of floor area and basement space accessible to customers allotted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or~~

~~(b) Ten percent or more of its stock in trade in electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or~~

~~(c) Ten percent or more of its gross income derived from electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type; and/or~~

~~(d) Ten percent or more of its advertising devoted to electronic cigarettes, pipes, vape pens, vapors, e-liquids or like substances of any type.~~

VAPE LOUNGE

~~Any facility or location whose business operation includes the on-site indoor smoking of electronic cigarettes, vape pens, vapors, and pipes, e-liquids, as defined herein, or other substances. "Smoking" includes the inhalation of the smoke/e-liquid nicotine/vapors water pipe tobacco and other substances encased in electronic cigarettes, vape pens, vapors, and pipes commonly known as a "hookah," "waterpipe," "shisha" and "narghile" or any similar device.~~

VAPE SHOP

~~Any establishment which offers for sale or consideration electronic cigarettes, electronic pipes, vape pens and products, vapors, e-liquid, or other substances, but not tetrahydrocannabinol (THC), as a substantial or significant portion of its business, merchandise and/or stock in trade.~~

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 shops or lounges shall only be measured from other cannabinoid hemp shops, vape shops or lounges.

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*	Use Shall Terminate Prior to:
0 to \$200,000	1 year from qualifying as adult use herein
\$200,001 to \$300,000	2 years from qualifying as adult use herein
\$300,001 to \$500,000	3 years from qualifying as adult use herein
\$500,001 to \$750,000	4 years from qualifying as adult use herein

Amount of Capital Investment to Establish Use*

\$750,001 or more

Use Shall Terminate Prior to:

5 years from qualifying as adult use herein

~~G. Notwithstanding anything set forth herein, any establishment which offers for sale or consideration cannabinoid hemp products must be duly licensed by New York State and comply with all applicable federal, state and local regulations.~~

§ 68-343 Height.

C. Exceptions. The provision hereof shall not apply to the height of a church or similar place of worship, tower, stack, standpipe, refrigeration or compression coil, monument, chimney, water tank or elevator, or parapets/cornices 2' or less. In the event that such structures are within 1 1/2 miles of an established airport, the approval by the Federal Aviation Agency shall be secured and any and all conditions imposed met.

Article XXVI Use District Regulations: Industrial 2 District

§ 68-355 Prohibited uses.

A. In an Industrial 2 District, the following uses are prohibited:

(68) Child or adult day-care center.

§ 68-356.1 Uses permitted by special permit from Planning Board after public hearing.

~~L. Child day-care center, subject to a requirement that any outside storage be at least 100 feet from said center.~~

M. Smoke/vape shop, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

N. Smoke/vape lounge, provided the use is located at least 500 feet from any residential use or zone, school, park, playground, or house of worship.

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:

(9) Business: a sign identifying an establishment which retails a product or provides a service or entertainment to the general public as distinguished from places ~~{Subsection B(4)}~~, institutions ~~{Subsection B(5)}~~ or offices ~~{Subsection B(8)}~~ and which is permitted in all business districts.

~~**(15)** Gasoline price: A two-sided sign, limited to gasoline stations, which indicates the price or prices of gasoline. The cumulative total of a gasoline price or prices sign will not exceed four feet in height and 18 inches in width. Such signs shall be limited to one sign per gasoline station.~~

(16) Blade sign: a facial sign that is located perpendicular to the building facade. Blade signs

shall not extend more than 36 inches from the wall to which they are attached and shall not exceed an area of 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 feet of clearance above finished grade is required for any blade sign under which pedestrians pass. Blade signs may be permitted in addition to the primary facial sign.

§ 68-396 Prohibited signs.

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. An aluminum pan sign shall not be considered a box or cabinet facial sign.

§ 68-397 Type and quantity of permitted signs.

Permitted signs may only be ground, facial, window or awning type and must conform to all other provisions as specified herein as well as in the Schedule of Sign Regulations.

A. Ground sign: a freestanding sign attached to a structure which is intended and designed only to support the sign and which is embedded in the ground or anchored in concrete.

(3) Sign area. The area of a ground sign shall be the area of a rectangle, the sides of which completely enclose the sign, excluding structural supports, each of which may not exceed ~~12~~16 inches in any horizontal dimension or 24 inches in combination, unless approved by the Planning ~~Director~~Commissioner or their designee. The maximum area of a ground sign may not exceed 10 square feet plus one foot of sign area for every 10 feet of lot frontage (along one street only, if the lot has multiple frontages), or the maximum area listed in the Schedule of Sign Regulations, whichever is smaller. Any sign may be double-faced, and only one face shall be used in determining conformity to sign area limitation. If the distance between faces exceeds ~~12~~ 16 inches, all sides of the sign shall be computed to determine sign area, except the top and bottom of the sign. The maximum sign area shall be the area specified in the Schedule of Sign Regulations.

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 districts but may be constructed in one or more parts, provided that it 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. Within the Business District (BD) only, where an establishment has additional exterior walls which are visible from any parking area, each such wall may have one facial sign (secondary), but not more than two such additional facial signs are permitted.

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 five 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.

(3) Exception: For any buffer fence reviewed and approved by the Planning Board, no higher than eight feet, may be located on the rear or side property line abutting a residential use. An eight foot high buffer fence shall be required for all industrial uses, fast food restaurants, convenience markets and/or all properties zoned Business 3 District.

C. No fence, wall or obstruction shall be higher than three feet above the adjacent pavement edge when located within any required sight triangle or when set back less than ~~eight~~ five feet from any street pavement edge.

E. The use of fences which deliver an electric shock, charge or current to any animal or human being, when touched, is prohibited. The installation or use of barbed wire, razor wire, concertina wire or any other similar wire or device designed to injure persons coming in contact with the same is also prohibited, unless required by federal, state, or local law or regulation and pursuant to §19-44.2.

Article XXXIV Miscellaneous Provisions

§ 68-420. Driveways and parking for single family and two family properties.

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 40% of the area of the 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.

(2) The parking of vehicles or personal trailers is prohibited in all front yard areas, except when parked on a driveway. ~~in the front yard area is restricted to that portion consisting of asphalt, gravel, stone or dirt or other nonvegetative material. The parking of vehicles in the front yard~~

area is prohibited when all four tires of a vehicle are placed on grass or other vegetative material. This prohibition shall not apply if inclement weather conditions (such as flooding or snow accumulation) render it impracticable or impossible to comply therewith.

(5) The parking of commercial vehicles or commercial trailers is prohibited. Exception: Parking of commercially registered pickup trucks or vans having a gross vehicle weight of less than 9,000 pounds, provided that either type of vehicle does not bear any commercial advertising or identification; pickup trucks or vans having a gross vehicle weight of less than 9,000 pounds and bearing commercial identification may be parked only between 8:00 p.m. and 7:00 a.m., provided that any such vehicle is within an enclosed garage.

(6) The parking or placement of commercial equipment is prohibited. Exception: commercial equipment associated with valid permitted construction, alteration or development as determined by the Commissioner of the permit issuing department or their designee.

(7) The parking of an unlicensed or inoperable vehicle or trailer is prohibited.

Article XXXVI ~~Reserved~~ **Fast Food Restaurants**

§ 68-423 Legislative Intent

The Town Board finds that restaurants with drive-throughs provide a service to senior citizens and people with disabilities and helps to promote complimentary economic development for under-utilized shopping centers. These regulations are intended to permit drive-through facilities in appropriate locations while reducing the negative impacts they may create. The specific purposes of this section are to

- A. reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- B. promote safer and more efficient on-site vehicular and pedestrian circulation;
- C. reduce conflicts between queued vehicles and traffic on adjacent streets;
- D. reduce negative impacts tied to idling of cars, such as fumes and noise.
- E. Minimize impervious pavement and excessive heat emitted.

§ 68-423.1 Use permitted only by special permit from Planning Board after public hearing.

- A. A fast-food restaurant shall be permitted only when specifically authorized by special permit in eligible zoning districts from the Planning Board after a due public hearing.
- B. The Planning Board shall be authorized to waive any requirements for the approval of a special permit for a fast-food restaurant contained in this Article subject to compliance with all applicable provisions of Town Law including, but not limited to § 274-b.

- C. Nothing herein contained shall be construed to restrict the Board of Appeals from exercising its authority pursuant to all applicable provisions of Town Law in connection with all other applications before it.
- D. Any such waiver of requirements may only be made in the event that the requirements are found not to be requisite in the interests of public safety or general welfare or inappropriate to a particular special use.

§ 68-423.2 Location restrictions; exceptions.

A. Location.

- (1) No fast-food restaurant shall be permitted to locate within 500 feet of a school.
- (2) No fast-food restaurant shall be permitted to locate within 500 feet of a property zoned Business District that is located on the same side of the public road or right-of-way it is situated on.
- (3) A fast-food restaurant shall be required to locate at a signalized intersection, on a one-way street, or a street with a dedicated left-turn lane into the site, and limited access highway service roads.

B. Exceptions. A fast-food restaurant may be located within 200 feet of the uses enumerated in Subsection A, provided:

- (1) The fast-food restaurant is in use prior to the location of one of the uses or properties enumerated in Subsection A.

§ 68-423.3 Application requirements.

A. In addition to the requirements listed in 68-32, applications for a special permit for a fast-food restaurant shall also include the following:

- (1) A traffic and roadway analysis prepared by a professional engineer specializing in transportation shall be submitted with the application for review by the Town. Said analysis shall describe, at a minimum, the peak hours of operations, volume of customers per hour, stacking space for anticipated volume of drive-through vehicles, turning movements, roadway capacity, and the level of service of nearby streets.
- (2) A traffic management plan detailing measures the restaurant operator will implement in the event the drive-through queue cannot accommodate the number of cars attempting to use the drive-through and materially interfere with onsite vehicular and pedestrian circulation. Said management plan may shall include, but not limited to, the provision of an additional temporary lane for the drive-through, the hiring of private security to direct traffic away from the drive-through and the provision for a designated curbside pickup area.

§ 68-423.4 Architecture.

A. Building facades that face the street or have a prominent exposure to other public areas

shall include design measures that increase the building's aesthetic appeal to enhance and reinforce existing design qualities found in the neighborhood.

B. All fast-food restaurants shall be designed to comply with "superior architecture," as defined in § 68-3, Word usage and definitions, on any building facade that is visible from streets and residential uses except as provided herein.

C. Buildings shall have a first level facade on any street frontage that is transparent (glass) between three feet and eight feet above the ground for at least 50% of the horizontal length of the building facade.

D. The drive-through service window shall not be located within any front yard(s), second front yard or through-lot front yard.

§ 68-423.5 Percentage of lot occupancy.

A fast-food restaurant shall not occupy more than 25% of the total lot area, excluding permanent canopies for order windows.

§ 68-423.6 Area.

The minimum required lot area for a fast-food restaurant shall be 45,000 square feet.

§ 68-423.7 Width of lot.

The minimum width of lot for a fast-food restaurant shall be 100 feet throughout.

§ 68-423.8 Buffer area.

A 35' vegetative buffer planted in accordance with Town standards shall be required wherever the location of the drive-through (inclusive of bypass lane) abuts a residential use or zone.

§ 68-423.9 Permitted encroachments.

No encroachments are permitted except cornices, eaves, gutters and chimneys projecting not more than 24 inches.

§ 68-423.10 Onsite queuing.

The operator of any fast-food restaurant shall be obligated to provide adequate queuing for the orderly operation of the drive-through. Any stacking shortfall which extends off of the subject property into a public right-of-way and/or prevents vehicles from entering or exiting the subject property shall be deemed a violation of this Article. Each violation of 68-XXX shall be punishable by a minimum fine of \$2,000. The Planning Board is authorized to hold a public hearing to revoke a special permit for a drive-through and direct the removal of the drive-through if five substantiated violations are issued within a consecutive seven (7) day period after the implementation of a traffic management plan and queuing vehicles have materially impacted the flow of traffic on a public right-of-way.

§ 68-423.11. Exterior site improvements.

- A. A minimum queue of fifteen cars shall be provided for the drive-through based on a minimum vehicle length of 20' with 1' of clearance between vehicles. The Planning Board is authorized to increase or decrease this minimum requirement based on review of the accompanying traffic analysis. The queue lane shall not be located in any front yard, second front yard or through-lot front yard.
- B. A bypass lane shall be provided to allow the rear five cars to exit the drive-through lane.
- C. When located as a pad site of a shopping center, a pedestrian connection shall be provided that is separate from vehicular access between the existing retail use and the fast-food restaurant use.
- D. Sidewalks. Sidewalks shall be installed along all street frontages in accordance with Article XXXI.
- E. Screen planting for drive-through. A vegetation screen shall be required along the entire perimeter of the drive through between the drive through and any adjacent public or internal roadway as directed by the Town Engineer to screen view of headlights of cars in drive through from those cars traveling on adjacent roadway or within a shopping center.
- F. Outdoor dining areas shall be provided and feature shade trees and other structures that incorporate shade such as trellises, pergolas, and/or arbors.
- G. Site requirements and minimum development standards shall be regulated under Article XXXI of this ordinance.

Article XLI Planned Landmark Preservation Overlay District (PLP)

§ 68-448 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ORDINARY REPAIRS AND MAINTENANCE

Any work done on any improvement in the nature of a replacement or reconditioning of the exterior of a structure, for which no permit would customarily be required ~~from the 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.

Article XLIII Use District Regulations: Industrial Corridor District

§ 68-466.1 Uses permitted by special permit from Planning Board after public hearing.

G. Outside seating as an accessory use to a permitted bar, tavern, nightclub, ~~restaurant, minor restaurant, or fast-food restaurant use~~, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

~~(1) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) Outside seating shall be permitted on the subject parcel adjacent to the building only, provided it does not encroach onto any sidewalk adjacent to a parking lot by more than 50%, and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.~~

~~(5) The outdoor area shall be located a minimum of 150 feet from any single-family residence.~~

(1) The outdoor area shall be located a minimum of 150 feet from any single-family residence.

(2) Outdoor loudspeakers of any kind shall not be permitted.

(3) The outside area shall not be permitted to operate past 2:00 a.m.

(4) Outside seating shall be permitted on the sidewalk area adjacent to a dedicated roadway between the hours of 10:00 a.m. and 11:00 p.m. for dining purposes only, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food.

§ 68-466.2 **Uses permitted after review and approval of Planning Board.**

B. Uses:

~~(4) Outside seating as an accessory use to a permitted restaurant, minor restaurant, or fast-food restaurant use, subject to the requirements of § ~~68-466.1G~~.~~

§ 68-467 **Accessory uses.**

The following uses shall be permitted when located on the same lot as the uses permitted in §§ ~~68-465~~ and, ~~68-466~~ and ~~68-466.1~~:

H. Outside seating may be permitted as of right as an accessory use to a restaurant, minor restaurant or fast food restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

(a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.

(b) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.

(c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.

(d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.

(e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.

(f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor seating approval.

§ 68-472 Front yard.

A. All buildings 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 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.

B. No structure shall be permitted within any front yard, except any canopy accessory to a retail fuel service station.

Article XLIV Use District Regulations: Wetland and Watercourse Management Area Overlay District

§ 68-484 Designation of overlay district

This district shall comprise all property regulated by the New York State Department of Environmental Conservation or as identified by the Town of Islip based on inspection as wetlands or adjacent buffer areas. Unless a greater buffer area has been established to the contrary, a minimum buffer area of 100 feet shall be considered when determining yield.

§ 68-485 Area density.

A. For parcels located entirely within the Overlay District, A a minimum lot area of 80,000 square feet shall be required for a single-family residence.

§ 68-486.1 Required permits.

A. All activities, except for those activities that require site plan review or plot plan review, within the Overlay District shall be subject to the issuance of a wetland and watercourse permit from the Planning Department in accordance with all rules and regulations of this Code, including Chapter **67**, Wetlands and Watercourses.

Article XLV Use District Regulations: General Service T District

§ 68-488 Permitted uses.

~~K. Reserved~~ A single three- or four-family dwelling and having no uses other than accessory uses on the subject parcel. The building must have a lobby/foyer from which all units are accessible (via hallways, elevators). No visible entry doors to each individual unit are permitted. Only one visible front entrance shall be permitted, unless a determination is made by the Commissioner of Planning or his or her designee that the architectural character of a preexisting building will be preserved by allowing one additional visible front entrance.

~~L. Reserved~~ Office support services, including file storage facilities, office hardware repair/cleaning and office machinery showroom. Retail sales of business/office related supplies and document reproduction shall be expressly prohibited.

§ 68-489.1 Uses permitted by special permit from Planning Board after public hearing.

The following uses are permitted by special permit from the Planning Board after a public hearing:

~~D. [1] Outside seating as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements, and subject to the following requirements:~~

~~(1) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.~~

~~(2) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.~~

~~(3) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.~~

~~(4) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet.~~

~~(5) The site is not adjacent to any single-family residential use or zone.~~

~~(6) The outside seating area shall be set back at least 200 feet from any single-family dwelling.~~

§ 68-491 Accessory uses.

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

(1) Customary accessory uses, structures and buildings, provided that such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a separate business.

(2) Outside seating may be permitted as of right as an accessory use to a restaurant or minor restaurant use, provided the site otherwise complies with all applicable Code requirements and subject to the following requirements:

- (a) Outside seating shall be subject to the approval of the Planning Board, which shall have the authority to require information which may be necessary to evaluate such a request.
- (b) Outside seating shall be permitted for dining purposes only. The service and consumption of alcohol shall only be permitted as clearly accessory and incidental to the service of food. No outside bar shall be permitted. In no case shall the service of alcohol be permitted off site.
- (c) Outdoor loudspeakers, exterior live entertainment or dancing of any kind shall not be permitted.
- (d) Outside seating shall only be permitted to operate between the hours of 8:00 a.m. and 11:00 p.m.
- (e) Outside seating shall be permitted on the subject parcel or on the sidewalk area adjacent to a dedicated roadway, provided it does not encroach onto the sidewalk by more than 50% and further provided there is a minimum unobstructed sidewalk area of eight feet. If on-street parking is permitted adjacent to the sidewalk, then a minimum unobstructed sidewalk area of five feet shall be required.
- (f) Should substantiated complaints be received by the Department of Planning and Development, the Planning Board shall reserve the right to hold a public hearing to rescind the outdoor dining approval.

§ 68-493 Percentage of lot occupancy.

D. The rear yard for a three-family or four-family dwelling shall consist of 15% open space exclusive of buffer and parking areas.

§ 68-494 Area density.

B. The minimum required lot area for a two-family, three-family or four-family dwelling shall be 15,000 square feet.

§ 68-494.1 Affordable housing.

A. A minimum of 10% of all apartments located within a mixed-use building with five (5) or more residential units shall be designated as affordable housing on site in accordance with Town standards.

§ 68-500 Architectural requirements.

All buildings hereafter erected or altered shall contain the following architectural components:

D. Existing principal structures on the site cannot be removed without the approval of the Planning Board, or modified without the approval of the Planning Division.

Article XLVII Accessory Apartments

§ 68-612 Off-street parking requirements.

There shall be located on-site not fewer than four off-street parking spaces. These spaces shall be provided to ensure that at least two spaces are able to freely exit the property at any time. 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. ~~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. Required driveway improvements must be completed prior to the issuance of a certificate of occupancy or certificate of compliance for the accessory apartment unit.

Article LII Exterior Lighting Standards

§ 68-689 Procedures for review of nonresidential exterior lighting.

A. Any application to the Planning or Town Board, or for new construction or an expansion that exceeds 25% of the building or site area, submitted to any board, department, division or agency of the Town of Islip shall include exterior lighting plans, luminaire and controls specifications and additional documentation if any exterior lighting is to be used, regardless of whether the exterior lighting is preexisting or proposed, showing the following, in order to verify that exterior lighting conforms to the provisions of this article:

§ 68-691 Notice of violation; compliance required.

C. All exterior lighting under the jurisdiction of the Town of Islip that does not conform to these regulations shall be brought into compliance ~~within 10 years of the effective date of the adoption of these regulations or~~ when the light fixtures are removed or replaced, whichever occurs first. or when a property undergoes an expansion or reconstruction that exceeds 25% of the building area or site area.

Article LIII Use District Regulations: Industrial Transition District

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

A. The total building area, including all buildings, shall not exceed a FAR of ~~0.30~~ 0.35 except as otherwise provided herein. An additional FAR of 0.10 is permitted for mezzanines used for storage purposes only, complying with the codes of New York State. Parking for said mezzanines shall be calculated at one space per ~~600~~ 1,000 square feet.

Article LVI Use District Regulations: Bayport Overlay District (BOD)

§ 68-754 Prohibited uses.

The following uses shall be expressly prohibited regardless of whether said use is permitted in the underlying zoning district:

- A. Gasoline service station.
- B. Convenience market.
- C. Fast-food restaurants.
- D. Psychiatric clinic.
- E. Motor vehicle dealership, inclusive of trailers and motorcycles.
- F. Smoke/vape shop or lounge.

§ 68-756 Design guidelines.

A. A minimum setback of 20 feet and a maximum of 30 feet shall be provided for all new buildings or building additions.

§ 68-758 Architectural requirements.

A. Prior to the submission of any building permit application or facade improvements, representative exterior architectural drawings shall be submitted to the Planning Division. The Planning Division shall review the plans for architectural consistency with the Bayport Zoning Study in terms of overall building design, materials, colors, encroachments and other architectural considerations. No building permit shall be submitted until written architectural approval has been granted by the Planning Division. A denial of architectural approval by the Planning Division may be appealed to the Planning Board within 30 days.

B. Overall design. Architectural designs that reflect or are sympathetic to New England or traditional (vernacular) architectural character are ~~preferred~~ required, unless approved by the Planning Board. Side and rear facades should be of similar design and materials to front facades.

C. Minimum number of architectural features. Architectural features and details such as bay windows, setbacks, pilasters, decorative below-window panels, and other features ~~are encouraged~~ shall be included to create architectural interest. Peaked roofs and varied roof planes ~~are~~ shall also encouraged-be included. Large roof expanses ~~should~~ shall incorporate dormers, cupolas, and other features to reduce the scale of pitched roofs. The Planning Division reserves the right to require additional architectural elements, including but not limited to dormers and decorative windows.

D. Materials. ~~The use of n~~ Natural building materials such as wood, brick, and stone, cementitious materials, and limited amounts of stucco is preferred shall be utilized. Separations between materials should be primarily horizontal and should accentuate horizontal lines. ~~Painted brickwork and t~~ The use of stucco, unfinished concrete, EIFS, aluminum siding, and/or concrete block for exterior wall finishes shall be discouraged limited to 10% of the façade area.