

Public Hearing #4

**WHEREAS**, there has been presented to the Town Board on the 13<sup>th</sup> of August, 2024, the proposed amendments to Chapter 68 entitled “Zoning”, Sections 68-385, 68-649 and 68-650 of the Islip Town Code; and

**WHEREAS**, the Office of the Town Attorney and Department of Planning and Development recommend the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650 in order to clarify portions that are either ambiguous or lack clarity;

**WHEREAS**, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650; and

**WHEREAS**, on July 19, 2024, pursuant to N.Y. General Municipal Law Section 239-m, the Town of Islip referred the proposed amendments to Zoning Code Sections 68-385, 68-649, and 68-650 to the Suffolk County Planning Commission for their review and recommendation;

**WHEREAS**, on August 13, 2024, a public hearing was held before the Town Board to consider amending Zoning Code Sections 68-385, 68-649, and 68-650 of the Islip Town Code;

**NOW, THEREFORE**, on motion of Councilperson John M. Lorenzo  
seconded by Councilperson Jorge Guadron, be it

**RESOLVED**, the Town Board hereby amends Zoning Code Sections 68-385, 68-649, and 68-650 of the Islip Town Code as follows:

**SEE ATTACHED**

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

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

## Article XXVIII Swimming Pools

### § 68-385 Permitted uses.

Swimming pools may be installed, used or maintained only as accessory to an occupied dwelling for the private use of the owners or occupants of such dwelling or as accessory to a nursery school or day camp or as an accessory to a hotel, motel, boathel, cooperative, condominium, apartment house, garden apartment, boardinghouse or lodging house or uses permitted in a Recreation Service G District and only on the conditions provided in this article. It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use of private swimming pool thereof as a transient rental property as defined in Article L § 68-649.

## Article L Rental Dwelling Units

### § 68-649 Definitions.

#### TRANSIENT RENTAL PROPERTY

[Added 12-15-2015]

- A.** ~~A rental dwelling occupied as a home or residence by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 14 nights. For the purposes of this chapter, the term "transient~~

~~rental property" shall mean all non-owner occupied dwelling units rented for a period of less than 14 nights and shall not include:~~

For the purposes of this chapter, the term "transient rental property" shall mean a rental dwelling unit and/or accessory use on the same property such as yard space, accessory structures, swimming pools, hot tubs, etc., occupied as a home or residence by persons others than the owner or a family member/guest of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 14 nights and shall not include:

**B.** Presumption of dwelling unit as transient rental property.

(1) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

(a) The dwelling unit and/or accessory use is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO, Swimply and the like for a period of less than 14 days; or

**§ 68-650 Rental occupancy permit required.**

**E.** No rental occupancy permit shall be granted to a transient rental property. It shall be unlawful and a violation of

this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use thereof as a transient rental property.