

# **Resolution 26-2026: Amendments to the the Zoning Ordinance of the Town of Wilmington**

## **RESOLVED:**

Subject to a Public Hearing and further revisions made by the Town Council, if any, the Town Council of the Town of Wilmington, NY, shall take the actions necessary to enact Local Law #1 of the Year 2026.

### **Local Law #1 of the Year 2026**

#### **A Local Law to Amend the Land Use Code of the Town of Wilmington**

Be it enacted by the Town Board of the Town of Wilmington as follows:

#### **Section 1. Authority.**

This local law is enacted under the authority granted by the General Municipal Home Rule law of the State of New York.

#### **Section 2. Legislative Intent.**

In 2013, the town board of the Town of Wilmington, New York, adopted the town's current municipal zoning ordinance. In the years since the adoption of that ordinance there have been developments in land use generally, with an increase in land development and building permits specifically, which were not anticipated by the town board when the town's current municipal zoning ordinance was adopted.

The town board recognizes the impact that future developments may have on the quality of life and economic well-being of adjacent and nearby property owners specifically, as well as on the residents and the positive economic development of the township generally.

The town board also recognizes the impact that future developments may have upon existing land uses, public services, traffic, and the mutually supportive objectives of natural resource protection and economic development identified in the town's Comprehensive Plan.

In accordance with the foregoing, the town board of the Town of Wilmington, New York, finds that the following amendments to the town's zoning ordinance will improve the regulation of land use within the Town of Wilmington, thereby protecting and improving the general welfare of the citizens of the Town of Wilmington.

**Section 3.**

**Article V of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

- A. An individual retail trade use shall not exceed 8,000 square feet of floor area, whether in one building or more than one building.
- B. A grouped retail business use shall not exceed a total of 40,000 in all buildings that constitute the use.
- C. For the purposes of the size limits set forth herein, floor area shall include floor area or floor space of any sort within the building, as well as exterior space used for the sale or storage of merchandise.

**Section 4.**

**Article IX, §F(1) of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

§F(1)(f).

Site plan approvals shall not be granted if the proposed use will have a materially adverse impact upon adjoining and nearby properties, or a clearly adverse aesthetic impact upon the Town of Wilmington.

**Section 5.**

**Article X, §C of the Zoning Ordinance of the Town of Wilmington is hereby amended to add:**

Article X §C(8).

Special use permits shall not be granted if the proposed use will have a materially adverse impact upon adjoining and nearby properties, or a clearly adverse aesthetic impact upon the Town of Wilmington.

## **Section 6.**

**The section of Article VI of the Zoning Ordinance of the Town of Wilmington titled “Site Improvements and Screening” is hereby amended to add:**

### **A. Visual impact, screening, and setbacks**

#### **OBJECTIVE:**

Ensure that all approved commercial projects preserve and, where possible, enhance the existing natural and aesthetic qualities of the project site and its environs.

#### **GENERAL GUIDELINES:**

- 1) Utilize existing vegetation and topographical features, preserve existing vegetation where possible, and employ careful siting methods so as to minimize the visual impact of all commercial development activities.
- 2) At least thirty (30) feet of natural vegetation shall be left in its natural or improved state adjoining any public street or highway or any adjoining property not in the same ownership.
- 3) The Planning Board and the Zoning Board of Appeals may, in their discretion, require additional measures to provide suitable screening, such as additional setbacks, planting, and fencing.

*Pursuant to this Local Law, the previously existing subsection “A.” under the heading “Site Improvements and Screening” of the Zoning Ordinance of the Town of Wilmington, New York, shall be re-labeled as subsection “B.”*

## **Section 7.**

The Town Board hereby declares its legislative intent to supersede any provision of the Zoning Ordinance of the Town of Wilmington, New York, that is inconsistent with the amendments adopted hereby.

If any local laws, or parts of any local laws, are inconsistent with any of the provisions of this local law, this local law shall control.

The Town’s forms, rules, and regulations shall, to the extent necessary, be updated to reflect these amendments.

To the extent any provision of the Zoning Ordinance of the Town of Wilmington, New York, is inconsistent with this Local Law, this Local Law shall control.

**Section 8. Effective date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.

**BE IT FURTHER RESOLVED:**

The Town Council of the Town of Wilmington, New York, does hereby announce a Public Hearing on Local Law #1 of the Year 2026, which shall be held at the Wilmington Community Center at \_\_\_\_\_ p.m. on Wednesday, January 28.

**BE IT FURTHER RESOLVED:**

The Town Clerk of the Town of Wilmington, New York, town employees, and town officials are hereby authorized to publish required legal notices, and to take any additional measures to ensure that the above-described Public Hearing and all other actions necessary for the adoption of Local Law #1 of the Year 2026 conform with the laws of New York State and the laws of the Town of Wilmington.

**BE IT FURTHER RESOLVED:**

The Town Council of the Town of Wilmington, New York, does hereby authorize the Town Supervisor to communicate with, send documents to, and take similar actions with respect to the Adirondack Park Agency, the County of Essex, and any departments or employees thereof, to ensure that the processes through which the Town Council of the Town of Wilmington, New York, adopts Local Law #1 of the Year 2026 conform with the laws, requirements, and customary practices of the State of New York, the Adirondack Park Agency, and the County of Essex.