

Local Law #5 of the Year 2026:

A Local Law Updating Wilmington’s Zoning Code to Address Clearcutting, More Accurately Define “Retail” Use, and Improve Notifications Sent to Nearby Property Owners

Be it enacted by the Town Council (“town board”) of the Town of Wilmington (“the town”) as follows:

§1. Authority.

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

§2. Legislative Intent.

Wilmington, New York, is a town in Adirondack Park. The town is known for downhill skiing, the AuSable River, and, more recently, mountain biking. In addition to opportunities for outdoor recreation, the town’s primary assets are its proximity to the state forest reserve, its scenic beauty, and its unaffected rural character.

The town’s leaders have recognized this.

Completed in 1975, the town’s Comprehensive Plan states, “Natural resource protection and economic development must be identified as mutually supportive objectives.”

The town’s first two land-use codes, adopted in 1975 and 1988 respectively, reflect this guiding principle.

The town’s third zoning code, adopted in 2013, does not.

In 2013, town officials viewed the earlier codes as impediments to residential construction and commercial expansion and adopted a significantly looser code. In the years since 2013, a series of large development projects — both commercial and residential, and both proposed and completed — resulted in a feeling of dissatisfaction with the township’s direction becoming widespread. In 2025, Wilmington elected two new members of its town board and a new town supervisor — all of whom had, as candidates, pledged to tighten the town’s zoning code, rein in clear-cutting, and strengthen the authority of the town’s land-use boards.

These objectives are consistent with the town’s Comprehensive Plan, which counsels the town’s future leaders to “Encourage pursuits compatible with [the town’s] natural resources. Activities should utilize and enhance these resources, rather than degrade or destroy.”

These objectives are also consistent with the town’s Local Waterfront Revitalization Program (LWRP), adopted in 2010. The LWRP advises the town’s future leaders to “Prohibit the introduction of features that are discordant with the scenic elements of the Town” and to

“Avoid loss of economic, environmental, and aesthetic values associated with the open space, recreation, and natural areas.”

The authors of the town’s Comprehensive Plan understood that there is no need to choose between natural resource protection and economic development.

With this local law, Wilmington chooses both.

§3. Article XVI of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

Article XVI of the town’s zoning ordinance is hereby amended, and the following definition shall be added to Article XVI:

LAND CLEARING – The clearing of trees and other vegetation from property in preparation for development.

§4. Article IV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

Pursuant to the adoption of this local law, the following uses shall be added to the Use Regulations (hereinafter “use table”) in Article IV of the town’s zoning ordinance:

- Land Clearing, less than two acres;
- Land Clearing, more than two acres;
- Land Clearing, more than three acres; and
- Land Clearing, more than five acres

§5. Article IV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

1. In the residential use table, “Land Clearing, less than two acres,” shall be a permitted use in all districts.

2. In the residential use table, “Land Clearing, more than two acres,” shall require Site Plan Review in the:

- Hamlet 1; and
- Hamlet 2 districts; and

Shall be a permitted use in the Moderate Intensity, Low Intensity, Rural Use, and Resource Management districts.

3. In the residential use table, “Land Clearing, more than three acres,” shall require Site Plan Review and a Special Use Permit in the:

Hamlet 1;

Hamlet 2;

Moderate Intensity; and

Low Intensity districts; and

Shall be a permitted use in the Rural Use and Resource Management districts.

4. In the residential use table, “Land Clearing, more than five acres,” shall require Site Plan Review and a Special Use Permit in all districts.

§6. Article IV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

1. In the commercial use table, “Land Clearing, less than two acres,” shall be a permitted use in all districts.

2. In the commercial use table, “Land Clearing, more than two acres,” shall require Site Plan Review in the:

Hamlet 1;

Hamlet 2;

Moderate Intensity; and

Low Intensity districts; and

Shall be a permitted use in the Rural Use, and Resource Management districts.

3. In the commercial use table, “Land Clearing, more than three acres,” shall require Site Plan Review and a Special Use Permit in the:

Hamlet 1;

Hamlet 2;

Moderate Intensity; and

Low Intensity districts; and

Shall be a permitted use in the Rural Use and Resource Management districts.

4. In the commercial use table, “Land Clearing, more than five acres,” shall require Site Plan Review and a Special Use Permit in all districts.

§7. Article IV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

1. In the industrial use table, “Land Clearing, less than two acres,” shall be a permitted use in all districts.

2. In the industrial use table, “Land Clearing, more than two acres,” shall require Site Plan Review in the:

Hamlet 1;

Hamlet 2;

Moderate Intensity; and

Low Intensity districts; and

Shall be a permitted use in the Rural Use, and Resource Management districts.

3. In the industrial use table, “Land Clearing, more than three acres,” shall require Site Plan Review and a Special Use Permit in the:

Hamlet 1;

Hamlet 2;

Moderate Intensity; and

Low Intensity districts; and

Shall be a permitted use in the Rural Use and Resource Management districts.

4. In the industrial use table, “Land Clearing, more than five acres,” shall require Site Plan Review and a Special Use Permit in all districts.

§8. Article XVI of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

Article XVI of the town’s zoning ordinance is hereby amended, and the definition of “retail use” therein shall be changed.

Prior to the adoption of this local law, the town's zoning ordinance defined retail use as:

Establishments providing goods, merchandise or services to the general public, for a fee, such as, but not limited to, banks, educational services, gift shop [sic], dry cleaners, laundromats, supermarkets and food stores.

Pursuant to the adoption of this local law, the town's zoning ordinance shall define retail use as:

Establishments providing goods or merchandise to the general public for a fee — including, but not limited to, gift shops, supermarkets, and food stores.

§9. Article XIV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

Prior to the adoption of this local law, Section A(2) of Article XIV of the town's zoning ordinance read as follows:

Such notice of hearing shall also be mailed directly by the Town to all land owners within a 500' radius at least ten (10) days prior to the hearing date.

Pursuant to the adoption of this local law, Section A(2) of Article XIV of the town's zoning ordinance shall read as follows:

Such notice of hearing shall also be mailed directly by the Town to all land owners within a 1000' radius at least twenty (20) days prior to the hearing date.

§10. Article XIV of the Zoning Ordinance of the Town of Wilmington is hereby Amended.

Prior to the adoption of this local law, Section A(3) of Article XIV of the town's zoning ordinance read as follows:

All costs are the responsibility of the applicant, and the applicant shall provide the envelopes with stamps. If subsequent, separate hearings are required by the reviewing board or requested by the applicant, the cost of additional notices and mailings shall be paid by the applicant prior to such notices being sent. This shall not include hearings held open or continued by the reviewing Board.

Pursuant to the adoption of this local law, Section A(3) of Article XIV of the town's zoning ordinance shall read as follows:

All costs are the responsibility of the applicant, and the applicant shall provide the envelopes with stamps. If subsequent, separate hearings are required by the reviewing board or requested by the applicant, the cost of additional notices and mailings shall be paid by the applicant prior to such notices being sent.

§11. Severability Clause.

If any provision of this local law is found to be invalid, unenforceable, or illegal, the aforementioned provision shall be ineffective only to the extent of the invalidity, illegality or unenforceability, and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

§12. Intent to Supersede.

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 this Local Law.

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.

§13. 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.

Local Law 2 of the Year 2026:

A Local Law to Improve Access to Housing in the Town of Wilmington

Be it enacted by the Town Council (“town board”) of the Town of Wilmington (“the town”) as follows:

§1. Authority.

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

§2. Legislative Intent.

In January of 2024 the town board of the Town of Wilmington, New York resolved to support the town’s designation as a “Pro-Housing Community.”

In doing so, the town board pledged to streamline permitting for affordable housing, and to enact policies to support a broad range of housing development.

The town board begins fulfilling those pledges by enacting this local law.

§3. Amendment to Article XVI of the Town’s Zoning Ordinance

Article XVI (“Article XVI – Definitions”) of the Zoning Ordinance of the Town of Wilmington (hereinafter “the zoning ordinance”) is hereby amended. Pursuant to the adoption of this local law, the following words shall be added to Article XVI of the town’s zoning ordinance:

Dwelling, Tiny House – A dwelling unit of less than 500 square feet.

§4. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the zoning ordinance is hereby amended. Pursuant to the adoption of this local law, “Dwelling, Tiny House” shall be added to the Residential Use Regulations (“use table”) in Article IV of the town’s zoning ordinance.

§5. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, “Dwelling, Tiny House” shall require Site Plan Review in the Hamlet 1, Hamlet 2, and Moderate Intensity zoning districts.

§6. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, “Dwelling, Manufactured Home” shall require Site Plan Review in the Hamlet 1, Hamlet 2, and Moderate Intensity zoning districts.

§7. Amendment to Article V of the Town’s Zoning Ordinance

Article V (“Article V – Dimensional Regulations”) of the zoning ordinance is hereby amended. Prior to the adoption of this local law, the subsection of Article V regulating manufactured housing read as follows:

Additional Density Requirements for Manufactured Homes

A. Manufactured Homes. The minimum land area required for all mobile homes shall be 3 acres.

Pursuant to the adoption of this local law, the subsection of Article V regulating manufactured housing shall read as follows:

Additional Density Requirements for Manufactured Homes

A. Manufactured Homes. The minimum land area required for all manufactured homes shall be 1 acre. No more than one manufactured home shall be permitted per acre.

§8. Amendment to Article V of the Town’s Zoning Ordinance

Article V (“Article V – Dimensional Regulations”) of the town’s zoning ordinance is hereby amended. The following words shall be added to Article V:

Additional Density Requirements for Tiny Houses

A. Tiny Houses. The minimum land area required for all tiny houses shall be 1 acre. No more than one tiny home shall be permitted per acre.

§9. Amendment to Article VI of the Town's Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Prior to the adoption of this local law, the section of Article VI regulating manufactured homes read as follows:

Manufactured Homes

A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Wilmington and of its inhabitants by establishing specific requirements and regulations governing the installation of manufactured homes.

B. The installation of the manufactured home shall conform to the requirements of the NYS Building Code and the United States Department of Housing and Urban Development.

(1) All manufactured homes within the Town of Wilmington shall be installed on a permanent foundation with the wheel and tongue removed.

(2) The manufactured home shall have an approved metal, wood, or other suitable skirting or framing, properly ventilated and attached, which shall enclose the area from the bottom of the floor line of the mobile home to the ground, and which shall be installed within thirty (30) days of the installation of the mobile home.

Pursuant to the adoption of this local law, the section of Article VI regulating manufactured homes shall read as follows:

Manufactured Homes

A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Wilmington and of its inhabitants by establishing specific requirements and regulations governing the installation of manufactured homes.

B. The installation of the manufactured home shall conform to the requirements of the United States Department of Housing and Urban

Development and the New York State building code, and the following additional terms:

(1) All manufactured homes within the Town of Wilmington shall be affixed to a permanent foundation with the wheel and tongue removed. To be considered permanent, a foundation must:

- i) Be constructed of durable materials (concrete, mortared masonry, or treated wood);
- ii) Be site-built;
- iii) Have attachment points to anchor and stabilize the manufactured home to transfer all loads to the underlying soil or rock;
- iv) Have rated anchorage capacity sufficient to prevent uplift and overturning due to wind or seismic forces; screw-in soil anchors are not considered sufficient anchorage;
- v) Have a footing of reinforced concrete of a size sufficient to prevent overloading the soil-bearing capacity and avoid soil settlement, the base of which shall be below maximum frost penetration depth; and
- vi) Enclose a basement or crawl space with a continuous wall (whether bearing or non-bearing) that separates the basement or crawl space from the backfill, and keeps out vermin and water.

(2) All manufactured homes within the Town of Wilmington shall have wooden steps or decking for all entrances.

(3) All manufactured homes installed within the Town of Wilmington shall be manufactured no more than five years prior to the home's installation.

C. All manufactured homes within the Town of Wilmington shall be ineligible for use, operation, or permitting as a "short-term rental," as the term is defined in the town's Local Law 1 of 2021.

§10. Amendment to Article VI of the Town’s Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the following subsection shall be added to Article VI:

Tiny House: Unless defined as an “accessory dwelling unit” according to the terms of the Zoning Ordinance of the Town of Wilmington, tiny houses shall be ineligible for use, operation, or permitting as a “short-term rental,” as the term is defined in the town’s Local Law 1 of 2021.

§11. Amendment to Article VI of the Town’s Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the following shall be added to the subsection of Article VI titled “Site Improvements and Screening”:

C. Screening of manufactured and tiny homes

Using the following general guidelines, the Site Plan Review process for both tiny houses and manufactured homes should require new tiny homes and manufactured homes to preserve and, where possible, enhance the existing natural and aesthetic qualities of the project site and its environs:

- 1) Preserve existing vegetation where possible;
- 2) Employ careful siting methods so as to minimize the visual impact of tiny houses and manufactured homes.

The Town of Wilmington’s land-use boards may require additional measures to enhance the screening of manufactured and tiny homes, such as additional setbacks, planting, and fencing.

§12. Amendment to Article VI of the Town's Zoning Ordinance

Article XVI (“Article XVI – Definitions”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the definition of “Dwelling Unit” shall be:

DWELLING UNIT – One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be less than 400 square feet. Excluding kitchens, bathrooms and hallways, there shall be a minimum of 70 square feet of habitable area provided for sleeping accommodations.

§13. Removal of References to Mobile Homes

Pursuant to the adoption of this local law, the following reference to “mobile homes” shall be removed from the Zoning Ordinance of the Town of Wilmington:

1. Article XVI – Definitions: CAMPGROUNDS

Pursuant to the adoption of this local law, the following references to “mobile home(s)” shall be replaced with the words “manufactured home(s)” in the Zoning Ordinance of the Town of Wilmington:

1. Article VI – General Regulations: Temporary Structures
2. Article XVI – Definitions: PRINCIPAL BUILDING
3. Article XVI – Definitions: STRUCTURE
4. Article XVI – Definitions: TRAVEL TRAILER

§14. Statement of Intent to Supersede

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.

§15. Severability Clause.

If any provision of this local law is found to be invalid, unenforceable, or illegal, the aforementioned provision shall be ineffective only to the extent of the invalidity, illegality or unenforceability, and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

§17. 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.