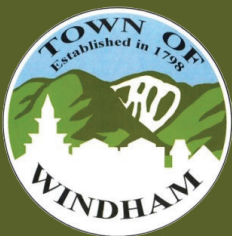


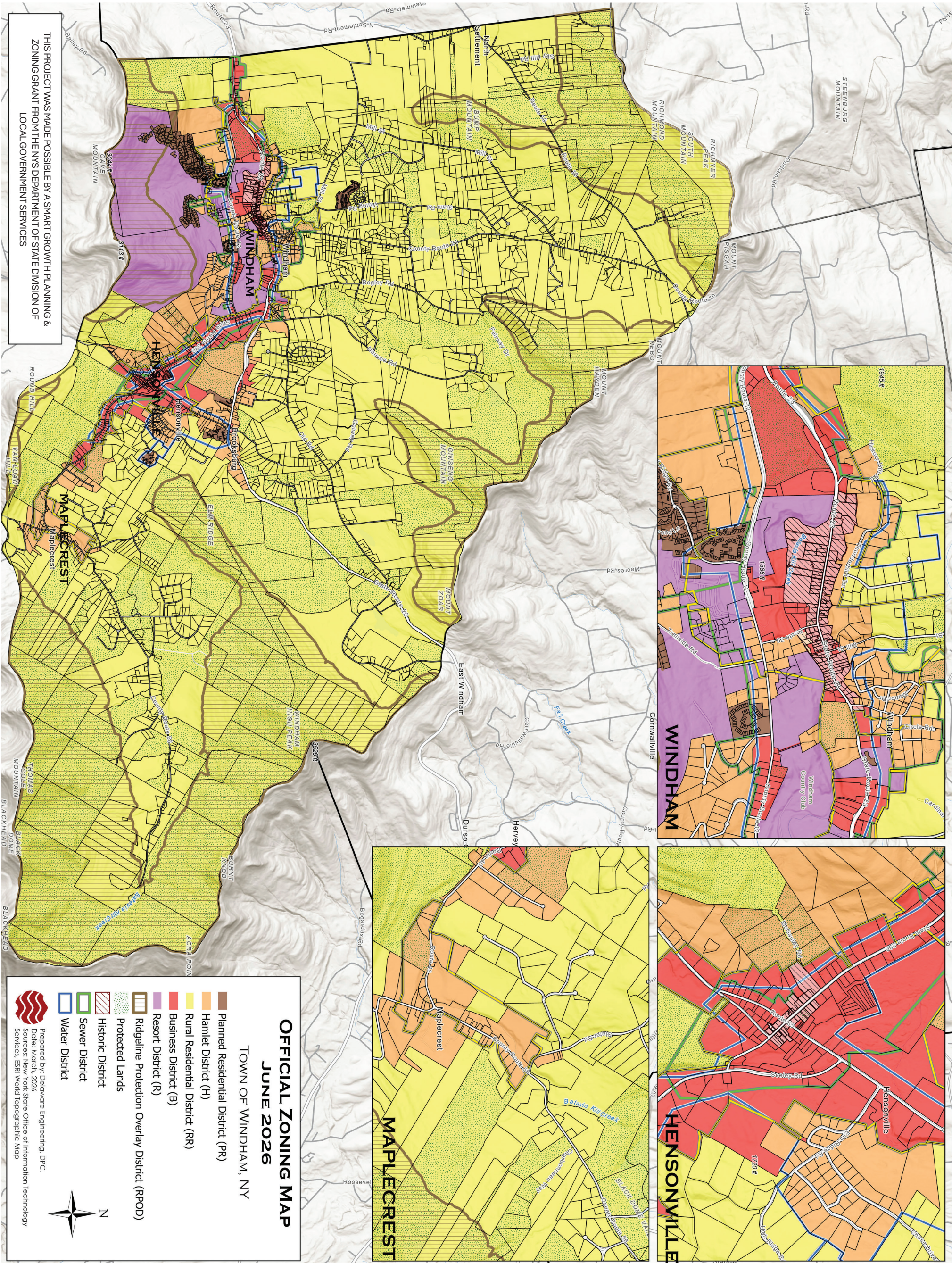
Town of Windham, NY

Zoning Regulations Summary



On June 11, 2026, the Windham Town Board adopted its first ever Zoning Law. New York State enabling statutes require that a copy, summary or abstract of the zoning regulations be published in a newspaper having town-wide circulation. This document has been published and inserted into the Mountain Eagle in compliance with this requirement. Local laws are public records, and copies of the entire Zoning Law (including the Zoning Map) are available for viewing at the Town Clerk's office and on the Town's website.

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INTRODUCTION

On June 11, 2026, the Windham Town Board adopted its first ever Zoning Law. Zoning is a tool that is commonly used by communities to regulate the built environment. It is a local law that establishes different districts or “zones” with specific regulations that govern the type and intensity of future development that can occur within each zone.

ZONING DISTRICTS & REGULATIONS

The Zoning Law consists of two parts: a map and written regulations. The zoning map on the reverse shows how the town is divided into different districts or “zones.” An accompanying Schedule of Use Regulations and Schedule of Area Regulations are also provided. These two tables summarize the different uses permitted in each zone, along with dimensional regulations governing things like lot size, building height, setbacks, and maximum permitted density.

Note: Existing uses that don’t conform to the new requirements will be allowed to continue, they just can’t be expanded without Planning Board approval. Likewise, lots that don’t meet the minimum lot size requirements can still be developed and built upon, they just can’t be subdivided or made any smaller without a variance from the Zoning Board of Appeals.

The Zoning Law also contains Supplemental Regulations that regulate things like parking, landscaping, lighting and signage, as well as requirements tailored specifically for certain uses and activities like campgrounds, telecommunication towers, solar farms, outdoor storage, etc.

SITE PLAN REVIEW & PLANNING BOARD APPROVAL

The new Zoning Law replaces earlier regulations that dictate when Planning Board review and approval are required prior to the issuance of a building permit. Going forward, site plan review will only be required in the following cases: The development or redevelopment of any use requiring the issuance of a special use permit.

- Construction, significant alteration, or replacement of any structure for commercial use, or any multi-family residential structure, condominium or townhouse development containing more than two units.
- Construction, significant alteration, or replacement of any single-family residential dwelling located within the Hamlet (H) District, the Business (B) District or the Ridgeline Protection Overlay District (RPOD), or any proposed dwelling in excess of 3,500 square feet.
- Any accessory structures or uses which exceed the gross floor area of the principal structure.

The Planning Board will continue to meet twice a month, and the Town’s existing subdivision regulations will remain in effect.

VARIANCES & THE ZONING BOARD OF APPEALS (ZBA)

In accordance with §267 of the NYS Town Law, after a community adopts a Zoning Law, a separate Zoning Board of Appeals (ZBA) must be created. The ZBA plays an important role in balancing the interests of individual property owners with the broader public interest and community welfare, and ensuring that the zoning regulations are applied consistently and fairly. The ZBA will have five members appointed by the Town Board for staggered terms and will have the power to interpret any provision of the Zoning Law when there is uncertainty, and grant “relief” from the zoning regulations in the form of area and use variances.

ADMINISTRATION AND AMENDMENTS

The Zoning Law describes the duties of those involved in administering the ordinance, including procedures for issuing building permits, certificates of occupancy, and zoning violations. The law also describes the procedures to be followed when the Town Board decides that future zoning amendments may be necessary.

FREQUENTLY ASKED QUESTIONS

Q: When does the Zoning Law take effect?

A: The new law will take effect on August 1, 2026.

Q: How do I find out what Zoning District my property is in?

A: An on-line version of the Zoning Map can be found on the Town’s website. It enables you to zoom in and turn different layers of information (like water and sewer districts) on or off. A large format printed map is also available for viewing at the Town Clerk’s office and the Building Department.

Q: What if my property or my building doesn’t conform with the new Zoning Law?

A: There are provisions in the Zoning Law designed to address “pre-existing non-conformities” and in most cases they will be “grandfathered” and permitted to continue. For example, pre-existing lots that don’t meet the minimum lot size regulations can still be built upon (provided the appropriate setback requirements are met). Non-conforming uses are able to continue operating, but they can’t be enlarged, expanded or increased without prior approval by the Planning Board. Likewise, special use permits won’t be required for any existing use that remains in continuous operation.

Q: What if I have a project that is currently under review by the Planning Board?

A: Applications for subdivision and site plan approval submitted to or approved by the Planning Board prior to December 11, 2025 (the date the Town Board accepted the Final Report prepared by the Zoning Commission) will be subject to the laws in place at the time of application. All other pending applications will be reviewed by the Zoning Enforcement Officer who will determine whether the Applicant has developed a substantial right to proceed under the prior laws on a case-by-case basis.

Schedule of Use Regulations					
Zoning District	RR Rural Residential	H Hamlet	PR Planned Residential	B Business	R Resort
Residential Uses					
Single-family dwelling	P	P	P	P	P
Two-family dwelling	SP	P	P	P	P
Multi-family dwelling	X	SP	P	P	P
Mixed Use	X	SP	X	P	P
Row-houses; Townhouses	X	SP	P	P	P
Community Uses					
Religious Use	SP	SP	X	SP	X
Cultural Facility	SP	SP	X	P	SP
Public Building	P	SP	X	SP	P
Public Utility Facility	P	P	P	P	P
Public Park & Recreational area	P	P	X	P	P
School	SP	SP	X	SP	X
Social or Fraternal organizations	SP	P	X	P	X
Accessory Uses					
Accessory Dwelling Unit (ADU)	P	P	X	P	X
Farm Stand	P	SP	SP	SP	SP
Home occupation	SP	P	SP	P	P
Private garages & sheds	P	P	P	P	P
Outdoor dining/Sidewalk Cafes	SP	P	X	P	P
Outdoor storage	SP	SP	X	SP	SP
Commercial Uses					
Agribusiness	P	SP	X	SP	X
Artisan Manufacturing	SP	SP	X	SP	X
Artist studios	SP	SP	X	P	P
Assisted Living	SP	SP	X	SP	X
Automobile Repair Shop	SP	SP	X	SP	X
Automobile Sales	X	X	X	SP	X
Banks & Financial Institutions	X	SP	X	P	X
Eating & Drinking Establishments	SP	SP	X	P	P
Bulk fuel sales or storage	X	SP	X	SP	X
Campgrounds	SP	SP	X	X	X
Car Wash	X	SP	X	SP	X
Commercial Event Venue	X	SP	X	SP	X
Commercial Recreation	SP	SP	SP	SP	P
Commercial Solar	SP	SP	X	X	X
Day care center	SP	SP	SP	SP	P
Equipment Rental	SP	SP	X	SP	P
Farmers Market (non-permanent)	SP	SP	SP	SP	P
Farm Operation	P	P	X	X	X
Farm implement sales or service	SP	P	X	SP	X
Funeral Homes	X	SP	X	SP	X
Gasoline service stations	X	SP	X	SP	X
Health and Fitness Establishments	SP	SP	SP	P	P
Kennel (Animal Boarding)	SP	SP	X	X	X
Laundromat	SP	SP	X	P	X
Lodging	SP	SP	X	P	P
Lumber Yards	SP	SP	X	X	X
Medical or dental facilities	SP	SP	X	SP	SP
Micro-Brewery or Micro-Distillery	X	SP	X	P	SP
Nursing Home	SP	SP	X	P	X
Personal Service Establishment	SP	SP	X	SP	P
Private School	SP	SP	X	SP	P
Professional offices	SP	P	X	P	P
Retail Sales	X	SP	X	P	P
Ski Resort	X	X	X	X	P
Theatres	X	SP	X	SP	P
Veterinary Hospital	SP	SP	X	SP	X
Wireless Telecommunications Facility	SP	SP	SP	SP	SP

Schedule of Area Regulations					
Zoning District	RR Rural Residential	H Hamlet	PR Planned Residential	B Business	R Resort
Minimum Lot Area					See § 6-8 Planned Resort Development
With central water or sewer	N/A	0.5 acres	N/A	0.25 acres	
Without central water or sewer	3 acres	2 acres	N/A	1 acre	
Residential Density (dwelling units per acre)					
With central water or sewer	N/A	2 per acre	4 per acre	4 per acre	
Without central water or sewer	0.3 per acre	1 per acre	N/A	1 per acre	
Minimum Setbacks (feet) ¹					
Front yard	75'	50'	25'	25'	
Side yards	50'	30'	10'	10'	
Rear yard	50'	30'	10'	10'	
Other Requirements					
Minimum Lot width ¹	200'	100'	50'	50'	
Minimum Livable floor area/DU	1,000 sf	800 sf	400 sf	400 sf	
Maximum Height	35'	35'	35'	35'	
Maximum Lot Coverage ¹	15%	30%	60%	70%	

The above schedules have been excerpted from the Town of Windham Local Law No. 3 of 2026 Zoning Law



TOWN OF WINDHAM • 371 NY-296 • HENSONVILLE, NY 12439
Official Zoning Law and Map are posted on the Town of Windham website: <https://townofwindhamny.gov/> and available at the Town Hall.

If you have questions, please call Town Hall at (518) 734-4170, leave a message with the Building Department, and someone will get back to you.