

RESOLUTION No. 2021-

***RELATIVE TO REGULATION OF SOLAR ENERGY SYSTEMS, ENACTING A
MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION,
ENLARGEMENT OR ERECTION OF SOLAR ENERGY FACILITIES OR SOLAR
ENERGY SYSTEMS ON NON-RESIDENTIAL PARCELS WITHIN THE CITY OF
NIAGARA FALLS FOR ONE HUNDRED TWENTY (120) DAYS, THROUGH
FEBRUARY 24, 2022***

BY:

Council Chairman Kenny Tompkins

WHEREAS, the solar energy industry has grown in recent years due to the economic and environment advantages of renewable energy, federal and state tax benefits and solar industry innovation; and

WHEREAS, among other things, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City; and

WHEREAS, the City of Niagara Falls currently has no specific regulations related to the installation, implementation and operation of solar energy systems within its territorial boundaries; and

WHEREAS, without an inclusive and detailed plan by the City to address the development and operation of solar energy systems in the City of Niagara Falls, the above purposes and requirements referenced in the Comprehensive Plan and Zoning Ordinance may be jeopardized; and

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WHEREAS, to that end, the City has developed such a solar energy plan which is contained in the proposed Local Law No. 3 for the year 2021, entitled "Regulation of Solar Energy Systems", which is intended to be incorporated into the City Zoning ordinance; and

WHEREAS, the City wishes to submit the same to the City Planning Board for review; however, as the newly developed plan will require both the adoption of a Local Law and an amendment to the City's Zoning Ordinance, Planning Board review will also require submission of the plan to the Niagara County Planning Board and a Public Hearing; and

WHEREAS, in order allow for the completion of this process prior to our consideration of the specifics of solar energy system regulations, this Council believes it is necessary to enact a temporary one hundred twenty (120) day moratorium on the establishment, construction, enlargement or erection of solar energy facilities or solar energy systems on non-residential parcels and for non-residential uses within the City.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that there is hereby imposed, from the date of enacting of this resolution, a moratorium on the consideration of building/use permits for the establishment, construction, enlargement or erection of solar energy facilities or solar energy systems on non-residential parcels and for non-residential uses within the City in the City of Niagara Falls for one hundred twenty (120) days, through February 24, 2022, and

IT IS FURTHER RESOLVED, that this moratorium is imposed to allow for the review of the proposed Local Law No. 3 for the year 2021, entitled “ Regulation of Solar Energy Systems” and corresponding amendments to the City’s Zoning Ordinances, incorporating the same.

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