**LOCAL LAW nO. 1 OF 2021**

**A Local Law**

**ESTABLISHING A MORATORIUM ON THE CREATION OF**

**NEW SOLAR FARMS IN THE TOWN OF JOHNSTOWN**

**BE IT ENACTED BY THE JOHNSTOWN TOWN BOARD AS FOLLOWS:**

**1. Title and Authority** – This Local Law shall be known as the Town of Johnstown Solar Farm Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

**2. Purpose** – In 2015, the Town of Johnstown adopted Chapter 84-45B of its Code entitled “Solar Farms” to set forth development standards for creation of Solar Farms within the Town. Since that time, unanticipated and significant Solar Farms development has permeated the Town, including in locations in which such Solar Farms may have a disproportionate impact on surrounding land uses. Chapter 84-45B does not regulate the zoning districts in which Solar Farms may be developed. This Moratorium is necessary in order to temporarily restrict the development of New Solar Farms so that the Town Board may consider creating subsequent zoning regulations to encourage appropriate Solar Farm development. The Town Board has determined that this would best enhance and protect the health, safety and welfare of the citizens of the Town of Johnstown.

**3. Definitions** – “Solar Farm” shall have the same definition as it has in Article 15 of the Town of Johnstown Town Code.

“New Solar Farm(s)” shall mean any Solar Farm which is not currently the subject of any pending Special Use Permit Application and for which no Special Use Permit has ever been obtained.

**4.** **Moratorium** – The Town Board hereby imposes a Moratorium on applying for and/or constructing any New Solar Farms in the Town of Johnstown for a period commencing on the effective date of this Local Law and continuing until June 15, 2021 and further provides that no application for a Building Permit, Variance or Special Use Permit will be accepted for review by the Town Code Enforcement Officer, Town Planning Board or Town Zoning Board of Appeals during this period.

Nothing contained in this Moratorium shall affect and Solar Farm project for which a Special Use Permit has already been issued. In addition, nothing contained in this Moratorium shall affect any Solar Farms for which an application for Special Use Permit is pending at the time of this Moratorium. In such case, nothing contained in this Moratorium shall prevent 1) the Planning Board from reviewing and taking action on such Application, 2) the Applicant from seeking and obtaining any necessary variances or building permits, and 3) project construction and operation.

**5. Variances** – The Town Board shall have the power, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

**6. Extensions** – This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Town and accomplish the stated purposes and intent of this Local Law.

**7. Termination** – This Moratorium may be terminated earlier than June 15, 2021 upon enactment of local legislation regulating development of New Solar Farms within the Town.

**8. Severability** – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**9.** **Repealer** – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

**10.** **Effective Date** – This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

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