

RESOLUTION No. 2022-

***RELATIVE TO AMENDMENT OF CITY OF NIAGARA FALLS
ZONING ORDINANCE TO CREATE A HIGH ENERGY
USAGE OVERLAY DISTRICT***

WHEREAS, on December 20, 2021, the City Council of the City of Niagara Falls imposed a one hundred-eighty (180) day moratorium on the consideration and/or issuance of all permits and/or approvals relative to the creation, establishment, development, construction, expansion, enlargement and operation of Commercial Data Centers in the City of Niagara Falls; and

WHEREAS, this moratorium, which was recently extended by this Council through September 13, 2022, was imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the comprehensive plan and zoning ordinance concerning the location, regulation and approvals of commercial data centers; and

WHEREAS, the Administration has developed proposed amendments to various sections of the City of Niagara Falls Zoning Ordinance to achieve the goals and purposes set forth in the moratorium; and

WHEREAS, the proposed amendments will also address the potential impacts of high energy usage generated by the Cannabis industry; and

WHEREAS, pursuant to Chapter 1302.4.1 (B) (3) of the Zoning Ordinance, the City Council must, by resolution, submit its intention to amend the Zoning Ordinance and, upon adoption of said resolution, shall refer to the same to the City of Niagara Falls Planning Board for its recommendation; and

Bax _____ **Myles** _____ **Tompkins** _____ **Zajac** _____ **Spanbauer** _____

WHEREAS, pursuant to NYS GML § 239-m, this proposed amendment must also be referred to the Niagara County Planning Board for its review and recommendation; and

WHEREAS, the Administration hereby submits the attached proposed amendments to the Zoning Ordinance, thereby creating a High Energy Usage Overlay District in furtherance thereof; and

WHEREAS, City Council will classify the action under 6 NYCRR 617.4(b)(6)(2) as Type I action because it will result in the adoption of changes in the allowable uses within City zoning districts, affecting twenty-five (25) or more acres; and

WHEREAS, the City's Environmental Planner has drafted the Full EAF Part 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend the Zoning Ordinance of the City of Niagara Falls New York as indicated in the attached proposal; and

BE IT FURTHER RESOLVED that the City Council does hereby declare its intent to act as Lead Agency for the purpose of SEQRA review; and

BE IT FURTHER RESOLVED that the City Council makes a preliminary classification of this action as a Type I Action under 6 NYCRR 617.4(b)(6)(2) because the action results in the adoption of changes in the allowable uses within City zoning districts, affecting twenty-five (25) or more acres; and

BE IT FURTHER RESOLVED that the City Council will circulate copies of the Full EAF Part 1 and this resolution to the involved agencies; and

BE IT FURTHER RESOLVED that these proposed amendments be referred to the City of Niagara Falls Planning Board for its recommendation pursuant to Chapter 1302.4.1 (B) (3), in furtherance of the Zoning Ordinance amendment process, and be it

further; and

RESOLVED that these proposed amendments also be referred to the Niagara County Planning Board pursuant to NYS GML § 239-m for its recommendation in furtherance of the Zoning Ordinance amendment process.

Bax _____ **Myles** _____ **Tompkins** _____ **Zajac** _____ **Spanbauer** _____