

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of

LIVONIA

FILED  
STATE RECORDS

MAR 03 2022

DEPARTMENT OF STATE

Local Law No. 1-2022 of the year 2022

A local law

(Insert Title)  
A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Village of Livonia.

Be it enacted by the

LIVONIA Village Board  
(Name of Legislative Body)

of the

County  City  Town  Village  
(Select one.)

of

LIVONIA

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 22 of the (County)(City)(Town)(Village) of LIVONIA was duly passed by the Village Board on February 23 20 22, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

2/24/2022

*Calvin A. Lathian*

(Seal)

**VILLAGE OF LIVONIA  
LOCAL LAW #1-2022**

**A Local Law Establishing a Temporary Land Use  
Moratorium Prohibiting Large Scale Solar  
Installations Within the Village of Livonia**

Be it enacted by the Village Board of the Village of Livonia as follows:

**SECTION 1. PURPOSE AND INTENT:**

This local law is intended to temporarily prohibit the creation or siting of large scale solar power installations (as hereinafter defined) within the Village of Livonia for a period of up to six (6) months, pending the continued development and adoption of local laws and/or ordinances prepared to regulate and govern such installations.

The Village will begin conducting research on the subject of large scale solar installations and will create a committee to continue such research, which will include reviewing various versions of model legislation being used by other communities and resources made available from the New York State Energy Research and Development Authority and the New York State Department of Agriculture and Markets. The Committee will begin discussing proposed legislation to create new zoning text that will assist in properly regulating the siting of solar energy systems within the Village of Livonia.

The Village Board recognizes and acknowledges that the Village needs additional time to complete and adopt appropriate local legislation to regulate the future creation and siting of large scale solar installations in a fashion that best maintains and preserves the identity of the Village.

It is deemed necessary to enact this moratorium in order to permit the Village Board adequate time in which to complete suitable legislation to allow for proper siting and development of the solar industry. During the term of the moratorium, the Village of Livonia shall work to finalize and adopt the new land use local law.

At this time there are no pending applications for the location, development or site plan approval of a large scale solar installation.

The objective of this moratorium is to allow the Village of Livonia to assess and address its Code to promote community planning values by properly regulating future large scale solar installations. At present the Village Code may not adequately regulate such land use. If the community allows such development during that time, the goals of the Village Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Village Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Village Code, thus protecting and furthering the public interest, health and safety.

## **SECTION 2. TEMPORARY MORATORIUM.**

- A. There is hereby adopted in the Village of Livonia, a six (6) month moratorium on the consideration, receipt or granting of land use applications, site plan approval, zoning permit, special permit, zoning variance, building permit, operating permit, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval of any nature to permit the siting or creation of "Large Scale Solar Installations."

"Large Scale Solar Installations" are defined, for the purpose of this local law, as any installation of solar panels or equipment undertaken principally for commercial purposes with an intention of generating power for resale into the power grid by a third party. Any installations by, or undertaken on behalf of individual landowners, householders, business or farmers (even off-site or done through a third-party Power Purchase Agreement), primarily for the purpose of off-setting their own electric energy use shall not be considered a Large Scale Solar Installation and shall be specifically exempted from this moratorium.

- B. During the term of the moratorium, the Village Board intends to further develop, consider and adopt changes to its land use local laws so as to regulate Large Scale Solar Installations. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Village Board resolution affirmatively stating the Village Board has determined that the need for this moratorium and prohibition no longer exists.
- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Village of Livonia for the siting or creation of a Large Scale Solar Installation.
- D. Under no circumstances shall the failure of the Village Board of the Village of Livonia, the Zoning Board of Appeals of the Village of Livonia, the Planning Board of the Village of Livonia, or the Code Enforcement Officer for the Village of Livonia to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

### **SECTION 3. APPLICABILITY.**

The provisions of this local law shall apply to all real property within the Village of Livonia, and all land use applications for the siting or creation of Large Scale Solar Installations within the Village of Livonia.

### **SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.**

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Village Board, at which hearing the Village Board shall consider:

1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to, prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Village of Livonia.
5. The written opinion of the Village of Livonia Planning Board and the Village of Livonia Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
6. Such other reasonable considerations and issues as may be raised by the Village Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Village Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$1,000.00 together with the applicant's written undertaking, in a form to be approved by the Village Attorney, to pay all of the expenses of the Village Board and any agent or consultant retained by the Village Board to evaluate and consider the merits of such application.

## **SECTION 5. STATUTORY AUTHORITY: SUPERSESSION.**

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supercedes any provisions of the Village Code of the Village of Livonia. Furthermore, this chapter shall supercede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m), and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supercede and suspend those provisions of the Village Code and New York State law which require the Planning Board and the Village Code Enforcement Officer to accept, process, and approve land use applications within certain statutory time periods.

## **SECTION 6. CONFLICTS**

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Village Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

## **SECTION 7. SEVERABILITY.**

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

## **SECTION 8. EFFECTIVE DATE.**

The effective date of this local law shall be the date upon which it is filed with the Secretary of State.