

## **CITY OF PLATTSBURGH**

### **LOCAL LAW P-2 OF 2026**

Introduced by Mayor Hughes on **August 20, 2026** at a Regular meeting of the Common Council.

Public Hearing to be held on **Thursday, September 3, 2026 at 5:30pm** in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

#### **A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM ON THE ESTABLISHMENT AND EXPANSION OF CERTAIN HIGH ENERGY COMPUTING FACILITIES PENDING COMPLETION OF THE CITY'S COMPREHENSIVE ZONING UPDATE**

##### **Section 1.**

##### **Legislative Findings and Purpose**

The Common Council hereby finds and determines as follows:

A. The City of Plattsburgh is presently engaged in a comprehensive review and revision of its zoning regulations for the purpose of modernizing the City's land use regulations and ensuring that they appropriately address current and anticipated patterns of development.

B. The City owns and operates the Municipal Lighting Department ("MLD"), a municipally owned electric utility responsible for providing reliable electric service throughout the City.

C. Unlike many municipalities, the establishment and operation of exceptionally large electrical users may directly affect the City's utility planning, electrical infrastructure, reserve capacity, capital improvements, system reliability, municipal finances, and the efficient delivery of electric service.

D. Since the establishment of the City's existing zoning regulations, new categories of high-energy computing operations have emerged, including artificial intelligence computing facilities, cloud computing facilities, large-scale data centers, blockchain validation facilities, and other comparable uses that were not contemplated by the City's existing zoning regulations.

E. The City's existing zoning regulations do not contain land-use standards specifically designed to address the distinctive characteristics and potential impacts of such facilities, including their unusually high electrical demand, utility infrastructure requirements, cooling requirements, noise, emergency response and fire protection needs, and potential impacts upon surrounding land uses.

F. Recent operational experience involving exceptionally large electrical users has demonstrated the need for the City to evaluate whether existing zoning regulations adequately address the land-use, utility, infrastructure, fiscal, environmental, and public safety impacts associated with such facilities.

G. The establishment, expansion, or material intensification of High Energy Use Facilities while the City is conducting this review could result in development inconsistent with regulations ultimately adopted by the City, place additional demands upon municipal infrastructure, and impair the effectiveness of the City's comprehensive planning process.

H. The Common Council therefore finds that a temporary moratorium of limited duration is necessary and appropriate to preserve the status quo while the City considers comprehensive regulations governing High Energy Use Facilities as part of its ongoing comprehensive zoning update.

I. This Local Law is intended solely as a temporary land-use planning measure. Nothing contained herein is intended to regulate or determine the rights of any party in any pending litigation or contractual dispute, nor shall this Local Law be construed as an admission or determination by the City concerning the interpretation or application of any existing provision of the City Code, utility tariff, regulation, agreement, permit, approval, or other existing legal right or obligation.

## **Section 2. Definition**

For purposes of this Local Law:

**High Energy Use Facility** shall mean any commercial or industrial facility primarily devoted to cryptocurrency mining, blockchain validation, artificial intelligence computing, cloud computing, machine learning, digital asset processing, data center operations, server farm operations, colocation facilities, or other substantially similar high-density computing operations, which either:

1. requires High Density Load Service under the City Code; or
2. has a connected electrical demand of three hundred (300) kilowatts or greater.

For purposes of this definition, electrical demand alone shall not cause a commercial or industrial use that is not primarily devoted to one or more of the foregoing activities, or a substantially similar high-density computing operation, to constitute a High Energy Use Facility.

## **Section 3. Temporary Moratorium**

For a period of twelve (12) months following the effective date of this Local Law, no officer, board, department, commission, employee, or agency of the City shall approve or issue any:

- Building Permit;
- Zoning Permit;

- Special Use Permit;
- Site Plan Approval;
- Certificate of Occupancy; or
- Other municipal land use approval

for:

1. the establishment of a High Energy Use Facility;
2. the expansion of a High Energy Use Facility;
3. the conversion of an existing structure into a High Energy Use Facility; or
4. the reestablishment of a High Energy Use Facility following cessation of operations where municipal approval is otherwise required.

Nothing contained herein shall prohibit routine maintenance, ordinary repairs, or replacement of equipment that does not materially increase electrical demand or processing capacity.

Nothing contained herein shall prohibit the continued lawful operation of a High Energy Use Facility lawfully existing and operating as of the effective date of this Local Law, provided that such facility is not expanded, enlarged, converted, reestablished following cessation of operations, or materially intensified in a manner requiring municipal land-use approval during the period of this moratorium.

Nothing contained herein shall be construed as creating, recognizing, enlarging, or determining any vested right, nonconforming-use status, contractual right, entitlement to electrical service, or other legal right that does not otherwise exist under applicable law.

#### **Section 4. Hardship Relief**

Upon written application and following a public hearing, the Common Council may grant relief from this moratorium where it determines that:

1. strict application of this Local Law would result in extraordinary hardship unique to the property;
2. granting such relief would not frustrate the purposes of this Local Law; and
3. the requested relief would not adversely affect the public health, safety, or welfare; and

The Common Council shall make written findings setting forth the basis for granting or denying any application for relief under this Section.

#### **Section 5. Comprehensive Planning Review**

During the period of this moratorium, the City shall undertake a review of, and shall endeavor to prepare, consider, and where appropriate adopt, comprehensive regulations governing High Energy Use Facilities.

Such review may include, but need not be limited to:

- appropriate zoning districts;
- special permit requirements;
- electrical demand thresholds;
- utility infrastructure impacts;
- noise standards;
- cooling systems;
- emergency response;
- fire protection;
- battery energy storage;
- decommissioning requirements;
- infrastructure reimbursement;
- financial assurance requirements;
- compatibility with surrounding land uses;
- cumulative impacts; and
- such other matters as the Common Council determines appropriate.

Nothing contained herein shall require completion of every identified study prior to expiration of this moratorium.

## **Section 6. SEQRA**

The Common Council shall comply with all applicable requirements of the State Environmental Quality Review Act prior to adoption of this Local Law.

## **Section 7. Severability**

If any provision of this Local Law is adjudged invalid, such judgment shall not affect the validity of the remaining provisions.

**Section 8. Effective Date and Expiration**

This Local Law shall take effect immediately upon filing with the Secretary of State and shall expire twelve (12) months thereafter unless sooner repealed or extended by subsequent local law.