

# *Article 13 Procedures for Amendments*

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## **ARTICLE 13 PROCEDURE FOR AMENDMENTS**

### **SECTION 13.0 PURPOSE**

The purpose of this Article is to provide standards and procedures for legislative amendments to this Ordinance and the ZONING MAP. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

### **SECTION 13.1 INITIATION OF ZONING ORDINANCE AMENDMENTS**

#### **Section 13.1.10 Who can initiate**

This Ordinance may be amended by the City Council on its own initiative or upon submission of a petition to the City Council by the Planning Board, the Board of Appeals, a landowner proposing a zoning amendment affecting his or her land, or a regional planning agency, or by petition signed by ten (10) registered voters of the City or by any other methods provided by the City Charter.

### **SECTION 13.2 CITY COUNCIL TRANSMITTAL TO PLANNING BOARD**

The City Council shall transmit such submission to the Planning Board for review within fourteen (14) days after receipt of such submission.

### **SECTION 13.3 PUBLIC HEARING**

#### **Section 13.3.10 Process**

13.3.11 The City Council or a committee designated by the City Council for that purpose and the Planning Board shall hold a public hearing at which persons interested shall be given an opportunity to be heard. Such hearing shall be held within sixty-five (65) days of submission of the proposed amendment to the Planning Board.

13.3.12 Notice of the time and place of such public hearing of the subject matter, and of the place where text and maps thereof may be inspected shall be published in a newspaper of general circulation in the City in each of two successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing, and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before such hearing. Notice shall be prepared, published and posted by the City Clerk.

#### **Section 13.3.20 Mailing of Notice**

Notice of such hearing shall also be sent by mail, postage prepaid, fourteen (14) days at least before such hearing to the Massachusetts Department of Housing and Community Development,

the Pioneer Valley Planning Commission, the Planning Boards of all abutting cities and towns, and any non-resident who files a request with the City Clerk.

**Section 13.3.30 Vote to Adopt, Amend or Repeal**

13.3.31 No vote to adopt, amend or repeal a proposed Ordinance shall be taken by the City Council until a report has been submitted with recommendations by the Planning Board or twenty-one (21) such days have elapsed since the hearing without submission of such report or recommendations.

13.3.32 Such vote shall require a two-thirds (2/3) vote of the City Council; provided that if there is filed with the City Clerk, prior to final action, a written protest against such change stating the reasons, duly signed by owners of twenty (20) percent or more of the area included in such change, or of the area of the land immediately adjacent, extending three hundred (300) feet therefrom, shall require a three-fourths (3/4) vote of the City Council.

**Section 13.3.40 Time Period for Vote to Adopt**

The City Council may hold its own public hearing after the required hearing described in Section 13.3.30 has been held, however, a vote to adopt the proposed Ordinance or change thereof by the City Council must take place within ninety (90) days from the date the required hearing was held or a subsequent hearing must be held by the Planning Board and City Council or sub-committee with notice and report as above provided.

**SECTION 13.4 ZONING MAP AMENDMENTS**

The ZONING MAP, which is part of this Ordinance, may be amended, altered or changed only in accordance with the foregoing provisions. The ZONING MAP, due to its size, is incapable of being included within this volume but is incorporated by reference herein and may be obtained on request from the Office of Planning and Economic Development.

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