

## **Section 1-40**

### **ZONE CHANGE PROCEDURE**

#### **1-40.1 – Adoption, Amendment, Addition, Repeal.**

*No zoning Ordinance not part thereof may be adopted, amended, or repealed until:*

- 1. A recommendation for adoption, amendment, addition or repeal has been initiated by submission to the City Council by the City Council, a Board of Appeals, an individual owning land to be affected by such recommendation, by request of ten registered voters of the city, the Planning Board, a regional planning agency or other methods provided by the City Charter.*
- 2. The City Council has within fourteen (14) days after receipt of such submission transmitted to the Planning Board for review.*
- 3. The City Council or a committee designated by the City Council for that purpose and the Planning Board has held a public meeting, at which persons interested shall be given an opportunity to be heard.*

#### **1-40.2 – Notice and Hearing.**

*Such hearing shall be held within sixty-five (65) days of submission of the initiated adoption, amendment or repeal by the City Council to the Planning Board.*

*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.*

#### **1-40.3 – Additional Requirements for Notification.**

- 1. Notice of such hearing shall also be sent by mail, postage prepaid fourteen (14) days at least before such hearing to the Department of Community Affairs, the regional Planning agency the Planning Board of all abutting cities and towns, any non-resident who files a request with the City Clerk wherein a boundary or use changes within a district; and*
- 2. In the case of a change to the Zone Map, unless prior exception is made by the City Council, ten (10) days at least before such hearing:
  - a. Notice shall also be sent to all owners of land within three hundred (300) feet of the lot line of the subject parcel(s). The list of such owners, as they appear on the most recent tax list of the Westfield Assessors, shall be provided to the City Clerk at the time the zone change petition is filed.*
  - b. A sign regarding the matter shall be conspicuously posted on or about the property. (6/8/17)**

#### **1-40.4 – Vote to Adopt, Amend, or Repeal.**

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

*Such vote shall require a two-thirds 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 percent (20%) 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.*

*The City Council may hold its own public hearing after the required hearing described in Section 7-10.2 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.*

#### **1-40.5 – Zone Map.**

*The Zone Map, which is a part of this ordinance, may be amended, altered or changed only in accordance with the foregoing provisions. The Zone Map, due to its size, is incapable of being included within this volume but may be obtained on request from the Department of Community Development.*

#### **1-40.6 – Applicability to Issued Permits.**

*Once notice of a zone change has been given, construction or operations authorized under an issued special permit, site plan approval or a building permit, shall conform to any such subsequent amendment of this ordinance unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. (7/13/21)*