

§ 103-19. Amendments.

- A. Amendments. The Common Council may, from time to time, on its own motion or on petition or on recommendation of the City Planning Commission, after public notice and hearing, amend, supplement or repeal the regulations, provisions or boundaries of this ordinance.
- B. Provisional amendment. In the case of a proposed amendment to the regulations, restrictions and boundaries herein provided, which amendment involves reclassification or transfer of any area from a residential district to either a business or an industrial district, the Common Council may require the petitioner to submit a development plan showing the extent, location and character of proposed structures and uses. The Common Council may require that such plan be modified to meet the objections raised at any public hearing thereon or subsequent thereto and may qualify its approval of any such amendment, in any case, by attaching a special permit thereto. Within a period of six months from the approval of such a zoning amendment, conditioned on said special development plan, no building permit shall be issued for any such property except in accordance with the development plan as approved, in which case the permit shall contain all conditions and limitations placed thereon by the Common Council or in accordance with the zoning classification applicable before said action. Unless a building permit for such special development is issued within six months from the Common Council's approval and unless the area affected by said amendment is developed in accordance with said permit within a period of 18 months from the Common Council's approval, said approval shall be void, and the zoning classification shall be as it was when the petition for amendment was filed.
- C. Petition for amendment.
- (1) Whenever the owners of 50% or more of the frontage in any district or a specified part thereof shall present their signed petition to the Common Council

requesting any amendment, supplement or repeal of the regulations prescribed for such district or specified part thereof, it shall be the duty of the Common Council to vote upon such petition within 90 days after the filing of the same by the petitioners.

- (2) A petition to amend, change or supplement the text of this ordinance or any zoning district as designated on the Zoning Map established herein shall be filed with the City Clerk on forms obtained from his office and shall be transmitted by him to the Common Council.
- (3) After March 1, 1979, any petition to amend, change or supplement this ordinance shall be accompanied by a filing fee \$100. **[Amended 2-6-1979]**

D. Public hearings. During the months of March, June, September, January and whenever the time of the Common Council to vote upon a petition is otherwise limited by § 83 of the General City Law, the Common Council shall hold hearings on proposed amendments, changes or supplements to this ordinance as provided in said § 83 of the General City Law. At least 10 days' notice of the time, place and object of such hearing shall be given by the City Clerk in the following manner:

- (1) In the case of a proposed change in or supplement to the text of this ordinance, by publication in the official paper of the city.
- (2) In the case of a proposed change in the Zoning District Map, if the area of land included in such change is less than 10 acres, by publication in the official paper of the city and by serving of notice upon all owners of record of all property included in the proposed change and all properties having frontage on both sides of the public highway or highways upon which any premises included in the proposed change have a frontage within 400 feet in

both directions along such highway or highways from the nearest side line or nearest side line extended of the premises included in the proposed change and also upon the owners of record of all properties located within 50 feet of the rear or side line of any premises included in the proposed change. Such notice shall be served by mailing a copy of said notice to the owners as shown on the maps and books of the City Assessor.

- (3) In the case of a proposed change in the Zoning District Map, if the land included in such change consists of a single parcel or two or more parcels which adjoin either immediately or across a street or alley, with a total area of 10 acres or more, by publication in the official paper of the city.
- E. Rehearing on petitions. No petition for amendment which has been disapproved by the Common Council shall be again considered by the Common Council within one year from the date of such disapproval unless the City Planning Commission shall first submit a recommendation and certify, with reason stated therefor, that there have been substantial changes in the situation which would merit a rehearing by the Common Council.
- F. Protests. In case of a protest against any change signed by the owners of 20% or more of the land directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of 3/4 of the members of the Common Council.
- G. Referral to Planning Commission. Each proposed amendment, except those initiated by the City Planning Commission, shall be referred to the City Planning Commission, prior to the public hearing by the Common Council, for an advisory report. In reporting, the City Planning Commission shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall

describe any changes in conditions which it believes make the amendment desirable and shall state whether such amendment is in harmony with a comprehensive plan of land use for the city.

§ 103-20. Definitions and rules of construction.

A. Rules of construction of language.

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular include the plural, and words used in the plural include the singular.
- (3) The word "lot" includes the words "plot" or "parcel."
- (4) The word "person" includes an individual, firm or corporation.
- (5) The word "shall" is always mandatory.
- (6) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (7) Any reference to an R1 District shall be interpreted to mean R1-1 and R1-2 Districts.
- (8) Any reference to an R District shall be interpreted to mean R1-1, R1-2, R-2 and R-C Districts.
- (9) Any reference to a C District shall be interpreted to mean C-1 and C-2 Districts.
- (10) Any reference to an M District shall be interpreted to mean M-1 and M-2 Districts.

B. Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows: