

ARTICLE 23-13
ADMINISTRATIVE PROCEDURES

SECTION 13.1 FILING OF APPLICATION FOR AMENDMENTS
[Amended 6-28-2022 by Ord. No. 1250]

A petition to the City Council for an amendment to the zoning ordinance shall be accompanied by an application form provided by the Community Development Board.

- A. The applicant shall file said form in the Community Development Board Office together with all necessary information and maps required by the Board, and in duplicate; one complete set to be retained by the board and one complete set to be filed with the City Clerk.
- B. Any application to amend the "Pittsfield Zoning Map" include any number of lots or parcels of land which are contiguous. For the purpose of this section, lots separated by a public street or way railroad right-of-way, or any water course shall not be deemed to be contiguous.
- C. Except with references to an application filed by an agency or department of the City, the City Council, or the Regional Planning Commission, a fee of four hundred (400.00) dollars shall accompany such application. Such fee shall not be returned unless the application is withdrawn in writing prior to the ordering of printing of the legal advertising a public hearing as required by law.
- D. All plan, exhibits or written information presented to the Community Development Board prior to, or at the hearing, shall remain in their permanent files of said Board. Copies of such plans or written information may be substituted for the original documents. Such exhibits declared by the Community Development Board not to be pertinent to the case may be retained by the applicant or returned to the applicant.
- E. The City Council, shall, within 14 days of receipt of the Zoning Petition, submit it to the Community Development Board for review.
- F. The Community Development Board shall hold a public hearing within sixty-five (65) days after the proposed zoning petition is submitted to the Community Development Board. The Community Development Board and City Council may hold a joint hearing on the petition.
- G. The Community Development Board shall, within twenty-one (21) days after a public hearing thereon, make its report and recommendation to the City Council. The Community Development Board may:
 - 1. Recommend, pursuant to such application, amendments or revisions of this ordinance or may recommend modification or denial of said application.
 - 2. Recommend, pursuant to such application, the rezoning of land as requested, the rezoning of a smaller area than requested in an application for a zoning map amendment, or the approval for rezoning to a more restrictive district, or both, or may recommend denial of said application.
- H. The recommendation of the Community Development Board, together with all pertinent data, shall be made to the City Council pursuant to the provisions of Chapter 40A of the General Laws

of the Commonwealth of Massachusetts, as amended. The City Council shall make a decision within ninety (90) days from the date of its hearing thereon as provided in Chapter 40A of the General Laws, as amended.

- I. Upon enactment of a zoning ordinance by the City Council, a certified copy of said ordinance shall be transmitted to the Community Development Board and the Building Inspector.

SECTION 13.2 SPECIAL PERMIT

SECTION 13.201 SPECIAL PERMIT GRANTING AUTHORITY

Any agency designated in this ordinance as a Special Permit Granting Authority, as defined in Section 1A of Chapter 40A of the General Laws, may hear and decide applications for Special Permits upon which such group is specifically authorized to act under the ordinance in accordance with the provisions of Section 9, Chapter 40A of the General Laws.

SECTION 13.202 REQUIRED HEARING AND NOTICE

[Amended 8-10-2021 by Ord. No. 1239; 6-28-2022 by Ord. No. 1250]

Special Permits may only be issued following public hearings held within 65 days after filing of any application with the Special Permit Granting Authority. Notice of public hearing shall be given by publication in a newspaper of general circulation in the City once in each of two successive weeks, the first publication shall not be less than 14 days before the day of such hearing, and by mailing it to “Parties in Interest”, as provided in Chapter 40A Massachusetts General Laws, which includes the petitioner, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, the Community Development Board, and the Planning Board of every abutting municipality. Abutter notification for those living within 300 feet of the property line shall apply to projects requiring a special permit that involve a single-family, two-family, or three-family residence. For projects of greater residential density, commercial, industrial, or any other use or activity that requires a special permit, abutter notification shall be expanded to 500 feet of the property line via United States Postal Service Certified Mail. The cost of Certified Mail at a distance of 500 feet shall be borne by the applicant and calculated individually for each project. An application shall not be deemed complete until such payment has been submitted to the City.

SECTION 13.203 REVIEW BY OTHER BOARDS AND AGENCIES

[Amended 6-28-2022 by Ord. No. 1250]

The Special Permit Granting authority shall within ten (10) days after receipt of application, transmit a copy of the application and two sets of plans, as required, one set to the Community Development Board, and one set to the Building Inspector, or to any other municipal board or agency at the discretion of the Special Permit Granting Authority. Within thirty-five (35) days from the receipt thereof, the Community Development Board or any other municipal board or agency, shall review and report thereon to the Special Permit Granting Authority in passing on the application and in determining special conditions and safeguards. The Special Permit Granting Authority shall not render any decision on the application for a Special Permit until said report and recommended site plan from the Community Development Board has been reviewed and considered or until the thirty-five (35) day period has expired, whichever is earlier.

SECTION 13.204 FINDINGS REQUIRED

Before granting a Special Permit for any use requiring such Permit under the provisions of this ordinance, the Special Permit Granting Authority shall find that the proposed use:

- A. Is in compliance with all applicable provisions and requirements of the ordinance and in harmony with its general intent and purpose.
- B. Will not be detrimental or can be conditioned so as not to be detrimental to adjacent uses or to the established character of the neighborhood.
- C. Will not be inconsistent with the overall purpose of the Master Plan as adopted and amended by the Community Development Board, and will consider whether the proposed uses: **[Amended 6-28-2022 by Ord. No. 1250]**
 - (1) Will create undue traffic congestion, or unduly impair pedestrian safety.
 - (2) Will overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any other area of the City will be unduly subject to the hazards affecting public health, safety or general welfare.

SECTION 13.205 CONDITIONS, SAFEGUARDS AND LIMITATIONS

Special Permits may be issued subject to such conditions, safeguards, or limitations as the Special Permit Granting Authority may impose for the protection of neighboring uses or otherwise serving the purpose of this ordinance. Such conditions, safeguards, or limitations may include, but are not limited to, the following:

- A. Front, side or rear yards greater than the minimum required by the ordinances; additional screening buffers, planting strips, fences or walls as specified by the Special Permit Granting Authority.
- B. Limitations upon the size, number of occupants, methods and time of operation, time duration of the permit, or extent of facilities.
- C. Regulations of number and location of driveways for other traffic features; off-street parking or loading; or other special features beyond the minimum required by this ordinance. Any conditions, safeguards, or limitations shall be imposed in writing and shall be made a part of the building permit.

SECTION 13.206 DECISIONS AND VOTE REQUIREMENTS

Special Permit Granting Authority shall act within ninety (90) days following the date of the public hearing. Failure to take final action upon an application for a Special Permit within said ninety (90) days shall be deemed to be a grant of the permit applied for.

Special Permits issued by a Special Permit Granting Authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board, or unanimous vote of a three member board.

SECTION 13.207 EXPIRATION OF SPECIAL PERMIT

A Special Permit lapses in two (2) years if a substantial use or construction has not begun under the permit by such date except for a good cause.