

ARTICLE 16

AMENDMENTS

Sec. 16.0. Procedure.

The common council of the city may, from time to time, on its own motion, or on petition, or on recommendation from the planning board, amend the regulations and districts established under this article after public notice and hearing in each case. All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the common council. The procedure for amending the regulations and districts established under this law shall be as provided in Section 83 of the General City Law, as amended from time to time.

Sec. 16.1. Advisory report to the common council of the city.

Every proposed amendment, unless initiated by the planning board, shall be referred by the common council to the planning board. The planning board shall report in writing its recommendations thereon to the common council, accompanied by a full statement of the reasons for such recommendations. If the planning board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the common council, the common council may act without such report. If the planning board recommends disapproval of the proposed amendment, or recommends modification thereof, the common council shall not act contrary to such disapproval or recommendation except by a three-fourths vote.

Sec. 16.2. Petition by owners of 50% of frontage.

Wherever the owners of 50% or more of the frontage to a proposed amendment shall present a petition duly signed and acknowledged to the common council, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the common council to vote upon said petition within 90 days after filing of the same by the petitioners with the city clerk.

Sec. 16.3. Public notice and hearing.

The common council of the city shall, by resolution, fix the time and place of the public hearing and cause notice to be given as follows:

- 16.3.1 By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the city, not less than 10 days prior to the date of public hearing.
- 16.3.2 By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by law.
- 16.3.3 (For zoning map amendments only.) By mailing a notice of such public hearing to the owners of all lands within a radius of 250 feet from any part of the property or properties for which the change will be applicable and such notice to all lands within the areas for which it will be applicable. This notice is provided as a courtesy only, and failure of the city to fully comply with this noticing provision shall not invalidate any future amendment.

Sec. 16.4. Protest by owners.

If a protest against the proposed amendment is presented to the common council, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed amendment, or by the owners of 20% or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths majority of the common council.

Sec. 16.5. Decision by common council.

The common council shall set the public hearing as required and shall render its decision within 60 days of the receipt of the planning board's report, (except the common council shall not be required to hold a public hearing prior to submission to the planning board). If the common council deems it advisable, it may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

Sec. 16.6. Notification of decision.

The common council shall notify the applicant for an amendment of its decision in writing within five days after the decision has been rendered.

Sec. 16.7. Filing with the secretary of state.

Every amendment to this Law shall be filed with the Secretary of State of New York and become effective five days thereafter.