

The framework for enacting an amendment to the Zoning Ordinance is set forth in Chapter 40A of the Massachusetts General Laws. The Zoning Ordinance may only be amended by a 2/3 vote of the Town Council.

It is recommended that you meet with the planning department staff to review your proposed zoning change, to review this process, and to determine that a zoning amendment is the right approach.

## **Types of Zoning Amendments**

- **Map Change:** An alteration to the boundaries of a zoning district, or a change in the zoning designation of a particular district (for instance, from a Business district to a Residence district), resulting in a change to the Zoning Map.
- **Text Change:** An alteration to the language within one or more Articles or Sections of the Zoning Ordinance, modifying the regulations that apply within one or more zoning districts.

## **Zoning Amendment Process**

**Petitioning the Town Council:** The process officially begins when a zoning petition is filed with the Town Council through the Council's office and the office of the Town Clerk. There are six ways a petition can be brought before the Council:

- **Land Owner Petition:** One or more property owners petition for a zoning change affecting their property.
- **Citizen Petition:** A group of at least ten registered Weymouth voters petition for a zoning change.
- **Planning Board Petition:** The Weymouth Planning Board proposes a zoning change.
- **BZA Petition:** The Weymouth Board of Zoning Appeals proposes a zoning change.
- **Town Council Petition:** The Town Council itself proposes a zoning change.
- **Regional Planning Agency:** The Metropolitan Area Planning Council (MAPC) proposes a zoning change.

After a petition has been filed with the Town Council, it is assigned a measure number and submitted to the Town Clerk. The zoning petition (measure) is then placed on the agenda of an upcoming Town Council meeting. Within fourteen days of receipt, the Town Council must submit the zoning proposal to the Planning Board for review. At the Council meeting, they may refer the matter for consideration to the Ordinance Committee, a committee of the Town Council.

**Public Hearings:** The Planning Board, through the Planning Department, schedules and advertises a public hearing to take place within 65 days of the date on which it is referred by the Town Council. A public hearing must be held with the Planning Board and Town Council, the hearings may be held jointly or separately. Typically, Weymouth

will have joint public hearings on zoning petitions. Public hearings require notification by mail to appropriate parties and newspaper posting at least fourteen days prior to the hearing.

- **Planning Board & Council Public Hearing:** After hearing testimony from the Petitioner and the public, the Planning Board discusses the proposed zoning change. The Planning Board may then decide to submit a recommendation to the Town Council. The recommendation may support adoption or rejection of the proposed zoning change, and may include suggestions for changes or further study. The Planning Board's recommendation may be written or verbal and may occur on the same evening a public hearing is closed or at a later public meeting but must be within 21 days from the close of the hearing.
- **Ordinance Committee Meeting:** The Ordinance Committee also hears testimony from the Petitioner. The Ordinance Committee may then decide to refer the petition to the full Town Council for action. This may occur before, after, or on the same evening as the public hearing.

**Town Council Action:** The Town Council may take action on the proposed zoning amendment after the following have occurred:

- The Ordinance Committee has referred the petition and made a recommendation to the full Town Council.
- The Town Council has received a recommendation from the Planning Board, or if no recommendation has been received, 21 days have elapsed since the Planning Board held its public hearing.

**Final Action:** The final outcome of a zoning amendment petition may include one of the following:

- **Adoption:** The Town Council votes to adopt the zoning petition, possibly with amendments, and the proposed zoning change are incorporated into the Zoning Ordinance. Adoption of a change to the Zoning Ordinance requires a two-thirds vote of the Town Council (i.e., eight "yea" votes on an eleven-member Council).
- **Failure:** On a vote of the Town Council, the petition fails to receive the necessary votes to adopt the petition. In this case, the same petition may not be re-filed until two years after the vote unless it is recommended in the final report of the Planning Board.
- **Expiration:** The 90-day period elapses before the Town Council has taken a final vote. In this case, the petition is not adopted but is placed on file. It may then be refiled as a new petition, in which case the process would begin again with referral to the Planning Board and Ordinance Committee and new public hearings.

**Effective Date** of an adopted zoning change is the date passed by Town Council and signed by the Mayor, provided the amendment is subsequently forwarded by the Town Clerk to the Attorney General.

## FORMAL PROCESS (Last approximately 90 days)

These procedures must be followed in making any amendments to Weymouth's Zoning Ordinance or Zoning map in accordance with Massachusetts General Laws Chapter 40A, Section 5. Prior to submitting a zoning amendment petition it is recommended that you meet with Planning Department staff to review your proposal.

