



PEABODY CITY COUNCIL

LEGAL NOTICE NOTICE OF PUBLIC HEARING

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Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

Notice is hereby given that the **CITY COUNCIL OF THE CITY OF PEABODY** will conduct a public hearing on **THURSDAY EVENING, MAY 23, 2013**, at 7:30 P.M., in the in the Frank L. Wiggan Auditorium, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

SECTION ONE: The Zoning Ordinance of the City of Peabody entitled City of Peabody Revised Zoning Ordinance adopted April 28, 2011 is hereby amended as follows:

THAT THE FOLLOWING SECTIONS BE AMENDED AS FOLLOWS:

SECTION 2 DEFINITIONS

SECTION 9 PARKING

SECTION 11 SIGNS

SECTION 14 REMOVAL OF EARTH PRODUCTS

SECTION 15 ADMINISTRATION

SECTION TWO:

TO rezone the north side of Pulaski Street driveway to GB from IL. which includes all properties on the northerly side of the access road going into the industrial park from Pulaski Street as follows: Assessors Map 53, Parcels 46A, 46B, 46C, 46D, 47, 83, 83A, 85, 600-621 (Unanimous)

TO rezone 22 Mason Street back to IL from R4; Assessors Map 95, Parcel 47.

SECTION THREE: All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

SECTION FOUR: This ordinance shall take effect as provided by law.

COPIES OF THE ENTIRE TEXT OF THE PROPOSED AMENDMENT TO THE CITY OF PEABODY ZONING ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT, 24 LOWELL STREET, PEABODY, MA DURING NORMAL BUSINESS HOURS AND POSTED ON THE CITY OF PEABODY WEB SITE AT WWW.PEABODY-MA.GOV

PEABODY CITY COUNCIL
COUNCILLOR THOMAS L. GOULD
CITY COUNCIL PRESIDENT

Timothy E. Spanos, City Clerk

Weekly News – May 2nd and May 9th, 2013

City Hall
24 Lowell Street

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SECTION 2 - DEFINITIONS

Amend Section 2 Definitions by adding Bakery, Retail - "An establishment primarily engaged in the retail sale of bakery products and which produces some or all of the products on the premises."

SECTION 9 – PARKING

Amend Section 9.2 (Table) under Business category, incorporate the use “or mercantile” into existing Shopping Center reference.

Amend Section 9.3 Driveways – Add following language as second sentence: “Driveway entrances in R1, R1A, R1B, and R2 zoning districts shall be a minimum of twelve (12) feet in width with minimum paved area for off-street parking as required in Section 9. Add a third sentence “from the Building Inspector”.

SECTION 11 - SIGNS

Amend Section 11.4 General Regulations Applicable in all Zoning District **by adding a new Section 11.4.8 entitled Electronic Message Board Signs to read:**
“All electronic message board signs, whether free standing or wall mounted, shall be approved by Special Permit.” (Unanimous)

Amend Section 11.5.1 due to a scrivener’s error to read
“Signs Permitted in Any BC, GB, GBD, BN or BN2 District”.

Amend Section 11.5.1 C to correct a scrivener’s error eliminating the reference to IL in this section.

Amend Section 11.5.2 signs permitted in any BR District: Allow one free standing sign up to one hundred (100) square feet in area (change from 75 square feet).

Amend Section 11.5.2 B (3) as follows: To strike in the first sentence “which allows for manually changeable, non-electronic messages” and insert therein “for electronic message board sign”. Add the following language after the last sentence to read: “Electronic message board signs shall not exceed thirty (30) percent of the base sign area. The message on the electronic message board sign shall not scroll or flash and shall alternate on not less than a fifteen-second cycle. The messaging shall be limited to advertising services offered at the site after business hours of operation. Lighting of the sign will be subject to ambient adjustments and shall provide for an automatic dimming apparatus. No advertising for any business not located upon the premises shall be conducted, with the only exception being if the sign is utilized as part of Peabody public services announcement program. No change in the message shall constitute a public safety or traffic hazard in the judgment of the building inspector.”

Amend Section 11.6.6 Term of Permit under Billboards to read after the first sentence, “The petitioner shall have the ability to choose whether they want a permit fee structure or a linkage fee structure with the minimum fees still being \$15,000 for static and \$25,000 for electronic per year”.

Amend Section 11.7 signs Requiring Building Inspector Review and Approval as follows: Item H, to strike “sixty (60)” square feet and insert “thirty-two (32)” square feet to read as follows: “One sign not to exceed 10 square feet in all residential districts or 32 square feet in all other districts,”

Amend Section 11.7, by adding a new Item J to read: “Gasoline filling station price sign using electronic display”.

Amend Section 11.8 B to strike the second sentence as follows:

“An exception would be a sign indicating time or temperature with changes alternating on not less than a five-second cycle, when such time or temperature sign does not constitute a public safety or traffic hazard in the judgment of the building inspector.”

Amend Section 11.9.1 Sign Application Process to correct a scrivener’s error by eliminating Items G & H.

SECTION 14 - REMOVAL OF EARTH PRODUCTS

Amend Section 14.1 Applicability by adding to end of the first sentence; “and a building permit from the Building Inspector”.

SECTION 15 – ADMINISTRATION

Amend Section 15.2.1 Permit Requirements by striking the following words in the second sentence “this ordinance or with a decision of the board of appeals or the city council” and to insert therein “780 CMR MA Building Code to read as follows: “No such permit shall be issued until such proposed construction, alteration or use, as proposed, shall comply in all aspects with the provisions of 780 CMR Mass. Building Code.”

Amend Section 15.2.2 Plat of Lot as follows: Change six (6) copies of the plat of the lot to one (1). Add sentence after first sentence which shall read “Said plat of lot shall be stamped and certified by a registered land surveyor”. Eliminate sentence which reads “the Planning Board shall be receive a copy of all permits issued within two (2) weeks after issuance”.

Amend Section 15.2.3 Building Permit Plan to strike the entire section and insert therein the following: Each application for a building permit shall be accompanied by a building permit plan, and shall comply with 780 CMR MA Building Code”.

Add a new Section 15.2.6 entitled Denial to read “any building permit application not in compliance with this ordinance may be appealed”.

ZONING MAP AMENDMENTS

COUNCILLOR ATHAS – MOVE TO notify property owners on said proposed map amendments similar to the requirements under a Special Permit.

*Hashed Area to Be
Revised From IL to GB*

