



City of Malden
Massachusetts

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May 19, 2025

Malden City Council
Malden City Hall
215 Pleasant Street
Malden, MA 02148

**Re: Amendments of §§12.16.080.C, 12.20.020.I.12, Title 12, Code of City of Malden
Usable Open Space Requirements, General Off-street Parking Requirements
City Council Paper #186/2025**

Dear Councilors:

On May 14, 2025, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

After the public hearing, on May 14, 2025, a majority of the Planning Board, namely, five of the nine members present, decided to recommend the following to the City Council:

1. Approval of the proposed amendments of Section 12.16.080.C, Usable Open Space Requirements, as submitted in CCP 186/2025.
2. Approval of the following proposed amendments of Section 12.20.020.I.12, General Off-street Parking Requirements, as submitted in CCP 186/2025:
No more than 50% of any individual yard area (front yard, combined side yards, and rear yard) of any residential property may be used for parking or may be surfaced with pavement, including, but not limited to, bituminous concrete, masonry or stone blocks, or other overly compacted materials, such as crushed stone or stone dust.

For your reference, enclosed please find the Planning Report & Recommendation dated May 14, 2025, which was presented at the public hearing.

Finally, please be advised that if the City Council fails to act on the amendments within 90 days after the public hearing, a new duly advertised public hearing must be held; and the final date for action is **August 12, 2025**.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosure

CC: Mayor Gary Christenson
Alicia McNeil, City Solicitor

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: May 14, 2025
Subject: Zoning Amendments – CCP 153/2025 and CCP 186/2025
Title 12, Code of the City of Malden (MCC- *all § references herein*)
Offsite Off-street parking Lots (§12.12.090); General Off-street Parking Requirements (§12.20.020); Usable Open Space Requirements (§12.16.080)

PETITIONS. The petitions are made under §12.32.050 by the City Council, and Ward 4 Councilor Ryan O'Malley and Ward 6 Councilor Stephen Winslow are sponsors. For full text of proposed amendments, see attached petitions (CCP 153/2025 & CCP 186/2025), to be considered in conjunction and/or as alternatives.

SUMMARY of PROPOSED AMENDMENTS.

1. Use Regulations, Offsite Off-street Parking Lots (§12.12.090.B) (CCP 153/2025). The proposed amendments apply to existing special permit use regulations for Offsite Off-street Parking Lots in all zoning districts. As proposed, the amendments would:
 - update landscaping requirements to specify materials that may not be used: “overly compacted surfaces,” such as crushed stone or stone dust
 - prohibit parking in landscaped areas.
2. General Off-street Parking Requirements (§12.20.020.I.5) (CCP 153/2025). Proposed amendments apply to landscaping requirements for non-required yard areas contained in parking requirements and would:
 - eliminate the option of using crushed stone.
 - specify materials that encourage onsite water filtration.
 - specify landscaping shall not include “overlay compacted materials,” i.e., crushed stone, stone dust.
3. General Off-street Parking Requirements (§12.20.020.I.12) (CCP 153/2025 and CCP 186/2025). Both proposals would amend parking requirements re: landscaping and paving requirements for residential yard areas by deleting the current provision :

12. Front yards, side yards and rear yards: A minimum of 50% of the front yards, side yards and rear yards of single, two, three and four family and town/row residential uses shall be devoted to a lawn and/or landscaping area (not paving).

Note 1: *The current provision, ordained in 2016 (CCP 418/2016), expanded the original provision [ordained in 1997, applicable to only front yards, of only single and two-family dwellings (CCP 223B/1997)] to include side yards and rear yards and apply to three, four-family and town/row residential uses.*

- A. This proposal (CCP 153/2025) would replace the current provision with the following:

Open Space Coverage (including front yards, side yards, and rear yards): A minimum of 50% of the front yards, as determined by the main entrance to the property, shall be landscaped according to the requirements of Subsection I.5 above. Additionally, a minimum of 50% of the total required open space onsite for all residential uses, such as but limited to front, side, and rear yards, shall be landscaped according to the requirements of Subsection I.5 above.

- B. This proposal (CCP 186/2025) would replace the current provision with the following:

No more than 50% of the combined yard areas (front, side and rear yards)

[or alternate provision:]

No more than 50% of any individual yard area (front yard, combined side yards, and rear yard)

of any residential property (optional/additional provision: excluding multifamily dwellings) may be used for parking or may be surfaced with pavement, including, but not limited to, bituminous concrete, masonry or stone blocks, or other overly compacted materials, such as crushed stone or stone dust.

4. Usable Open Space Requirements for All Districts (§12.16.080.C) CCP 186/2025. The proposal is to amend existing requirements of open space criteria to read as follows:

- C. *In all zoning districts, open space requirements may not be met by indoor recreational facilities. All open space shall be pervious **and landscaped to prevent erosion and allow onsite water filtration, provided, however, landscaping may not include crushed stone, stone dust or any other similar or overly compacted material,** ~~visible to the public~~; and a minimum of 50% shall be located in yard setback areas, where setbacks are required.*

Note 2: *The current provision, ordained in 2016 (CCP 334/2016), extended applicability of requirements to all residential uses in all zoning districts; eliminated the option of complying with open space requirements through indoor recreational facilities and exterior building space (roof decks, balconies, porches); and added requirements re: perviousness, visibility to the public and location in yard setbacks. Previous provisions, in effect from 1977 to 2007 (CCP 92/2007), applied only to multifamily dwellings, allowed 100% of required open space to be met through indoor facilities or the roof in the Central Business zoning district, and up to 25% to be met through indoor recreational facilities in all zoning districts except Residence B.*

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (April 25, 2025); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

EFFECTIVE DATE: The effective date is the date of the City Council's vote to ordain the amendments (§12.32.050.F) unless otherwise specified. The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on May 14, 2025, **the final date for action is August 12, 2025.**

STANDARD of REVIEW: The Planning Board's review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

PLANNING RECOMMENDATION: *(Prepared prior to the public hearing)* That the Planning Board recommends to the City Council:

1. Approval of amendments of Section 12.12.090.B, Use Regulations, Offsite Off-street Parking Lots, as proposed in CCP 153/2025.
2. Approval of amendment of Section 12.20.020.I.5, General Off-street Parking Requirements, as proposed in CCP 153/2025.
3. Disapproval of the amendment of Section 12.20.020.I.12, General Off-street Parking Requirements, as proposed in CCP 153/2025.
4. Approval of the following amendment of Section 12.20.020.I.12, General Off-street Parking Requirements, as proposed in CCP 186/2025: *No more than 50% of any individual yard area (front yard, combined side yards, and rear yard) of any residential property may be used for parking or may be surfaced with pavement, including, but not limited to, bituminous concrete, masonry or stone blocks, or other overly compacted materials, such as crushed stone or stone dust.*
5. Approval of amendments of Section 12.16.080.C, Usable Open Space Requirements, as proposed in CCP 186/2025.



Legislation Details (With Text)

File #:	186-25	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	4/9/2025	In control:		Planning Board	
On agenda:	4/15/2025	Final action:			
Title:	Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12 ZONING is hereby amended as follows to be considered in conjunction with Paper 153 Series of 2025 to clarify and update existing Usable Open Space Requirements and Regulations regarding paving of yard areas of residential properties.				
Sponsors:	Stephen Winslow, Ryan O'Malley				
Indexes:					
Code sections:					
Attachments:	1. Prop Alt Open Space & Paving Yard Areas 4.8.25				

Date	Ver.	Action By	Action	Result
4/15/2025	1	City Council		

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12 ZONING is hereby amended as follows to be considered in conjunction with Paper 153 Series of 2025 to clarify and update existing Usable Open Space Requirements and Regulations regarding paving of yard areas of residential properties.

1. Amend Section 12.16.080.C USABLE OPEN SPACE REQUIREMENTS FOR ALL DISTRICTS as follows:

C. In all zoning districts, open space requirements may not be met by indoor recreational facilities. All open space shall be pervious **and landscaped to prevent erosion and allow onsite water filtration, provided, however, landscaping may not include crushed stone, stone dust or any other similar or overly compacted material;** ~~visible to the public;~~ and a minimum of 50% shall be located in yard setback areas, where setbacks are required.

2. Strike existing Section 12.20.020.I.12 GENERAL OFFSTREET PARKING REQUIREMENTS in its entirety and insert the following in its place:

No more than 50% of the combined yard areas (front, side and rear yards)

[or alternate provision:]

No more than 50% of any individual yard area (front yard, combined side yards, and rear yard) of any residential property *[additional provision: excluding multifamily dwellings]* may be used for parking or may be surfaced with pavement, including, but not limited to, bituminous concrete, masonry or stone blocks, or other overly compacted materials, such as crushed stone or stone dust.