

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: January 9, 2019
Subject: Amendment of §400.1.4.6, Chapter 12, Rev. Ord. of 1991 (“MZO”) City Council Paper #525/2018

PROCEDURAL: The petition is by the City Council (§800.5, MZO), sponsored by Ward 4 City Councilor Ryan O’Malley and Councilor at Large Craig Spadafora (CCP #525/2018).

PROPOSED AMENDMENT: The proposal is to amend the Table of Intensity Regulations (§400.1.4.6) to amend the dimensional control for maximum height for Motel-Hotel, as follows:

Lot Area (sq. ft.)	Frontage	Front yard	Side yard	Both sides	Rear Yard	Min. Open Space	Coverage-Principal Building	Coverage - Accessory Bldg.	Density	Maximum Height
20,000	100’	20’	20’	40’	20’	---	50%	20%	--	50’ and 4 stories 150’ and 10 stories

CURRENT ORDINANCE & HISTORICAL BACKGROUND: The current dimensional controls have remained the same since 1977, except height, which was increased to the current maximum, 50 feet and 4 stories (from the original requirement 30 feet and two stories) in 1983 (CCP #655/1983).

Note 1: The maximum height for all business and industrial uses is “30 feet and 2 stories,” or “50 feet and 4 stories,” (§§400.1.4 and 400.1.5, MZO).

Currently there are two motels located in the City: one in the Highway Business zoning district (551 Broadway/22 units/two stories) and one located in the Neighborhood Business zoning district (321 Broadway/51 rooms/two stories); and one motel located partially in Malden and part in Melrose, located in part in the Highway Business zoning district (735 Broadway/51 rooms/one story).

There is no proposal to change the use regulations for motels-hotels (allowed by special permit in the Central Business, Highway Business and Industrial 1 and 2 zoning districts, per §300.3.4.6, MZO, as recently amended by CCP 461/2017 and CCP 124/2018); the special permit granting authority (Planning Board); or parking requirements for motels-hotels (1.2 spaces per units, §500.1.4.9, MZO).

APPLICATION/EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt (“grandfathered in”) by M.G.L. c. 40A, §6; §700.1.1, MZO; the State Permit Extension Act (2012); or the express language of the amendment.

Note 2: By statute, applications for permits that are in the processing stage when publication occurs are not protected; historically, the City interprets, in consideration of any pending petitioner’s good faith reliance on current regulations, that proposed amendments do not apply to applications filed prior to the first publication of notice of public hearing (December 21, 2018). There are no pending applications filed prior to the date of first publication.

EFFECTIVE DATE: The effective date of the amendment is the date of the City Council’s vote to ordain the amendment (§800.5.7, MZO). The Council must act on the amendments within ninety (90) days after the hearing closes, otherwise, a new duly advertised public hearing must be held (§800.5.5, MZO); accordingly, if the public hearing closes on January 9, 2019, the final date for action is April 9, 2019.

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 disapproval of the amendment.