



**City of Malden**  
**Massachusetts**

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2021 AUG 12 P 12:48

MALDEN, MASS.

August 12, 2021

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

**Re: Sections 12.12.030 and 12.12.090, Chapter 12, Rev. Ordinances of 2020, as Amended  
Use Regulations for Offsite Parking Facilities in Residence A zoning district  
City Council Paper #339/2021**

Dear Councilors:

On August 11, 2021, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, on August 11, 2021, all nine members of the Planning Board present voted unanimously to recommend to the City Council disapproval of the proposed amendments as submitted.

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated August 11, 2021.

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is November 9, 2021.

I am available to discuss and answer any questions regarding the amendments and the Planning Board's recommendations. Please do not hesitate to contact me. Thank you.

Sincerely,

Michelle A. Romero  
City Planner

Attachment

CC: Greg Lucey, City Clerk  
Kathryn Fallon, City Solicitor  
Mayor Gary Christenson

## PLANNING REPORT & RECOMMENDATION

**To:** Malden Planning Board  
**From:** Malden City Planner  
**Date:** August 11, 2021  
**Subject:** Zoning Amendment: Use Regulations for Offsite Parking Facilities  
Sections 12.12.030 and 12.12.090, Chapter 12, Rev. Ordinances of 2020, as Amended, City of Malden (*City zoning ordinance; all § references herein are to this*) (CCP #339/2021).

**PETITION:** This petition is made by the City Council (§12.32.050) and was filed by sponsor Ward 4 City Councilor Ryan O'Malley. (For full text of amendment see attached City Council Paper 339/2021)

**SUMMARY of Proposed Amendment:** The proposed amendment will amend existing use regulations to prohibit Offsite Parking Facilities in the Residence A zoning district.

### **CURRENT ORDINANCE and History of Amendments:**

Offsite Parking Facilities is a principal use, meaning it is the primary purpose of a building, structure or lot. Under current zoning, Offsite Parking Facilities use is allowed by special permit in the Residence A zoning district and all other zoning districts (§12.12.030). The current use regulations are the same as those ordained in 1977 with the City's adoption of M.G.L. Chapter 40A. Special permit use regulations for property in the Highway Business, Central Business and Industrial zoning districts were removed in 1983 and amended to allow the use by right in these districts (CCP 655/1982); special permit regulations for these districts were reinstated in 2018 (CCP123/2018).

Under the current ordinance, Offsite Parking Facilities are subject to the following requirements (§12.12.090):

#### A. In Residential districts:

1. The parking facility shall be used only by residential occupants in areas where existing off-street spaces on residential lots are presently inadequate in number and where the provision of such a facility would improve parking and traffic on adjacent streets.
2. Tenants or users of said facilities shall be limited to residences within three hundred (300) feet of the lot, as measured along the closest line of access.
3. All vehicles shall be solely for the private or professional use of their owners and none may be commercial vehicles of more than one-half (1/2) ton type or capacity.
4. Maximum height shall be no more than thirty (30) feet or two (2) stories.

#### B. In all districts;

1. All surfaces used or intended for the use of wheeled vehicles shall be paved with an all-weather dust free pavement.
2. Lights shall be provided and so located as to be shielded from streets and adjoining properties.
3. Compliance with all other applicable sections of this ordinance.
4. The Planning Board must find that the facility is not detrimental to the public good.
5. In all districts, landscaped areas shall be provided onsite in accordance with the following:
  - a. For every parking space, ten (10) square feet of landscaped space shall be provided onsite.
  - b. A minimum of 75% of the front yard setback, each side yard setback and the rear yard setback of the parking facility shall be landscaped with plantings or other permeable landscaping materials.
6. In all districts, bicycle parking shall be provided onsite in accordance with the following:
  - a. For every parking space, 0.1 bicycle racks is required; provided, however, in all cases, a minimum of one bicycle rack is required.
  - b. For computation, any fractional number shall be rounded up to the next whole number.
  - c. Bicycle parking may be located in landscaped areas.

Requirements A1-A3 and B1-B4 are original provisions, in effect since 1977. The following amendments have been ordained over the years:

- 1) The following original provision, applicable in all districts, was deleted in 1978 (CCP 76/1977): "*The edge of all pavements shall be defined by a raised curbing or bumper at least five feet from the property line.*"
- 2) A provision re: applicability of special permit regulations to property in the Residence A, B and C districts was added in 1983 (CCP 655/1982) and removed in 2018 (CCP 123/2018).
- 3) The following original provision, applicable in residential districts, was deleted in 1983 (CCP 655/1982): "*The parking facility shall contain a maximum of 20 spaces plus adequate access thereto.*"
- 4) Current requirement A4 was added in 1983 (CCP 655/1982).
- 5) The special permit granting authority was changed from the Board of Appeal to the Planning Board in 2007 (CCP 92/2007).
- 6) Landscaping requirements were added in 2018 (CCP 123/2018).
- 7) Bicycle parking requirements were added in 2018 (CCP 123/2018).

**BACKGROUND:** Offsite parking facilities may be open air parking lots or parking garages/structures. Approximately 74% of property in the City is classified as part of the Residence A zoning district.

For reference, according to City Assessor's records, which classifies property using Massachusetts Department of Revenue Property Type Classification Codes, there are eighteen properties classified as "parking lot," four of which are in the Residence A zoning district; and no properties classified as "parking garage," (the City-owned parking garages are classified as "Municipal.")

*Note 1: The offsite parking facility, a parking lot, currently under construction at 11 Cross Street, located in the Neighborhood Business zoning district, was allowed by special permit (Case #21-05).*

**APPLICATION and EXEMPTIONS:** The amended ordinance will apply to new lots and new buildings and construction and use and occupancy of existing buildings on existing lots, unless exempt per M.G.L. c. 40A, §6, as a preexisting nonconforming use or building (per §12.28.010); the subject of a building or special permit issued before the first publication of notice of the public hearing (July 23, 2021); land part of an approved and endorsed Approval Not Required or Definitive subdivision plan; or the express language of the amendment.

*Note 2: Per state 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 (July 23, 2021). There are none.*

**EFFECTIVE DATE:** The effective date of an amendment is the date of the City Council's vote to ordain the amendment (§800.5.7, MZO). The Council must act on the amendment 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 August 11, 2021, the final date for action is November 9, 2021.

**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.*

Lack of off-street parking is an on-going issue in many neighborhoods throughout the City; current special permit use regulations provide an important option to create parking, and the requirements specific to property in the Residence A and other residential zoning districts provide adequate safeguards.

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



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Legislation Details (With Text)

**File #:** 339-21      **Version:** 1      **Name:**

**Type:** Order      **Status:** In Committee

**File created:** 6/24/2021      **In control:** Rules & Ordinance Committee

**On agenda:** 6/29/2021      **Final action:**

**Title:** Order: Be it hereby ordained that section 12.12.030 be amended by striking "SP" and inserting "No" for "Parking Facilities, Offsite" in "Res A" zoning district.

**Sponsors:** Ryan O'Malley

**Indexes:**

**Code sections:**

**Attachments:** 1. CCP 232-21 and 339-21 Public Hearing

Date	Ver.	Action By	Action	Result
6/29/2021	1	City Council		

Order: Be it hereby ordained that section 12.12.030 be amended by striking "SP" and inserting "No" for "Parking Facilities, Offsite" in "Res A" zoning district.