

City of Malden

Massachusetts

INSPECTIONAL SERVICES
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Malden, Massachusetts 02148
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January 28, 2025

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

**Re: Amendments of Various Sections, Title 12, Code of City of Malden
Accessory Dwelling Units
City Council Paper #13/2025**

Dear Councilors:

On January 27, 2025, the Planning Board and City Council Rules and Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

After the public hearing, on January 27, 2025, a majority of the Planning Board, namely, six members, decided to recommend to the City Council approval of the proposed amendments as submitted and with the following additional revisions (new/additional language italicized):

1. Section 12.12.030. Table of Use Regulations. To revise the proposed provision as follows:
For Accessory Dwelling Unit (*more than one*, second or subsequent): change “SP” to “No”
2. Section 12.16.010. Table of Intensity Regulations. To delete all proposed numbers in all columns and to add the following: “MCC, Section 12.32.030.D.5”
3. Section 12.32.030.D.1. Purpose and Intent. To revise the second sentence of the proposed provision to read as follows:
The intent of this ordinance is to *protect the health, safety and general welfare of the City’s present and future inhabitants and to* address the potential impacts that the addition of an Accessory Dwelling Unit to a property may have on the *principal dwelling*, surrounding neighborhood and adjacent residences, including, but not limited to, impacts related to density, congestion, nuisance and parking; and to comply with M.G.L. c.40 A, Section 3, the so-called, “Affordable Homes Act.”
4. Section 12.32.030.D.2. Applicability. To revise the following proposed provisions to read as follows:
 - A. Prior to the issuance of any building permit or certificate of occupancy *for* any Accessory Dwelling Unit, a Site Plan Review and Site Plan Approval from the Site Plan Review Committee shall be required pursuant to this section.
 - B. The Building Commissioner as Zoning Enforcement Officer shall determine whether a unit is an Accessory Dwelling Unit.
5. Section 12.32.030.D.3. Scope of Review. To revise the proposed provision to read as follows:
Through site plan review, the City may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures for an ADU prior to the issuance of a building permit; and may consider what reasonable requirements concerning dimensional standards, such as, dimensional setbacks, lot coverage, open space, bulk, height and number of stories of the structure, if any, should be imposed on the use.
6. Section 12.32.030.D.4. General.
 - a) Section 12.32.030.D.4.F: to add the word, “required” before “open space.”
 - b) To add the following provision: G. Only one ADU shall be allowed on a single Lot.

7. Section 12.32.030.D.5. Design Standards.
 - a) Section 12.32.030.D.5.A. Siting and location. To revise the proposed provision to read as follows:
An Accessory Dwelling Unit may be allowed only on a property that contains a *principal dwelling*.
 - b) Section 12.32.030.D.5.C. Dimensional requirements. To revise the proposed provision to read as follows:
The requirements shall be those required for the principal dwelling, or a single-family residential dwelling or accessory structure in the zoning district in which the ADU is located, whichever results in more permissive regulation.
 - c) Section 12.32.030.D.5 D. To revise the following proposed provision to read as follows:
Any expansion of a building's footprint or addition to an existing principal dwelling for an Accessory Dwelling Unit shall comply with all dimensional controls.
 - d) Section 12.32.030.D.5 E. Size. To revise the following proposed provision as follows:
The maximum size of an Accessory Dwelling Unit is 900 square feet *of gross floor area* or half the size of the *gross floor area* of the principal dwelling, whichever is *smaller*.
8. Section 12.32.030.D.6.D. Parking Requirements.
To delete proposed subsection D (definition of Bus Station) in its entirety.
9. Section 12.32.030.D.7. Submission requirements. To delete the proposed section in its entirety and insert the following:
All applications for site plan review shall be in writing and shall provide the information identified in Title 4 of the Code of City of Malden.
10. Section 12.32.030.D.10. Decision.
To delete, "90 days" and "90-day," and insert, "14 days" and "14-day."
11. To make the following typographical corrections in the following sections:
 - a) Section 12.32.030.D.1. "M.G.L. c.40A"
 - b) Section 12.32.030.D.9.A. "OSPCD"
 - c) Section 12.32.030.D.12. insert, "M.G.L.c.40A, Section 3 or" after the word "to" and before the word "regulations"
12. Section 12.32.030.E (Administration, Certificates and Permits): Special Permit for Accessory Dwelling Units. To delete the proposed provision in its entirety.

For your reference, enclosed please find the Planning Report & Recommendation dated January 27, 2025, and Mayor Christenson's follow up memorandum dated January 27, 2025, which were 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 **April 27, 2025.**

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

Sincerely,



Michelle A. Romero
City Planner

Enclosures

CC: Mayor Gary Christenson
Alicia McNeil, City Solicitor

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: January 27, 2025
Subject: Zoning Amendments – Accessory Dwelling Units (CCP 13/2025)
Title 12, Code of the City of Malden (MCC- all § references herein)

PETITION. The petition is made under §12.32.050; the City Council is the petitioner; and Ward 3 Councilor Amanda Linehan is the sponsor. For full text of proposed amendments, see attached petition (CCP 13/2025) and addendum of alternate language proposed by Ward 6 Councilor Steve Winslow, which the City Council referred for public hearing with the original proposal. See also attached introductory and follow up memoranda from Mayor Gary Christenson dated January 2, 2025 and January 27, 2025.

BACKGROUND.

- August 6, 2024: Governor Healey enacted the so-called “Affordable Homes Act,” which amends the state zoning law (M.G.L. c 40A, §3) to redefine and allow Accessory Dwelling Units (ADU) by right.
- December 6, 2024: state Executive Office of Housing and Livable Communities (EOHLC) (fka Department of Housing and Community Development/DHCD) released draft guidelines, which define terms used in the law and identify prohibited and “reasonable” regulations.
- January 23, 2025: EOHLC released revised draft guidelines (expected to go in effect January 31, 2025).
- February 2, 2025: the new state law goes into effect.

The zoning amendments proposed in CCP 13-2025 are intended to update Malden’s zoning ordinance to comply with the new state law and will require further update to align with recently revised draft guidelines (see **PLANNING RECOMMENDATION** for additional recommended revisions).

KEY ELEMENTS of STATE LAW AND GUIDELINES.

A. Definitions.

1. Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:
 - a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building Building Ccode for safe egress;
 - b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
 - c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in section 1 of chapter 64G; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.
2. Principal Dwelling: defined to be a structure that contains at least one Dwelling Unit.

B. Location.

1. An ADU may be added to property located in a zoning district where single-family dwellings are allowed by right or by special permit.

C. Dimensional standards.

1. Applicable to ADUs: dimensional setbacks, lot coverage, open space, bulk and height and number of stories, required for the principal dwelling, a single-family dwelling or accessory structure, whichever “results in more permissive regulation.”

2. Expressly inapplicable to ADUs: minimum lot size.
3. Pre-existing Nonconforming Structures or Lot. ADUs may not be prohibited due to nonconformance.

D. Prohibited requirements for ADUs.

1. Owner-occupancy of ADU or principal dwelling.
2. Use and occupancy restrictions that limit occupancy to individuals or households based on characteristics or relations between the occupants, such as, income, age, familial relationships, enrollment in educational institution, or number of occupants beyond required by applicable state code.

E. Parking requirements.

1. None/no parking if located within ½ mile of a subway station, commuter rail station or bus station (defined as, “a point of embarkation for any bus operated by a Transit Authority”).
2. One parking space may be required if located less than ½ mile from subway, commuter rail or bus station.

F. Allowed and Required Regulations.

1. One/a single ADU at a property must be allowed by right.
2. ADU may be subject to reasonable regulations and site plan review:The use of land or structure for an ADU may be “subject to reasonable regulations, including but not limited to site plan review, regulations concerning dimensional setbacks and the bulk and height of structures.” (M.G.L. c 40A, §3).
3. Site plan review is defined as: A process established by local ordinance by which a municipal board or authority may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.
4. If the City chooses to allow more than one ADU/second/subsequent ADUs shall require a special permit.
5. Restriction and prohibition on short-term rental of ADU.
6. Required: Compliance with Building, Fire and Sanitary Codes.

SUMMARY HIGHLIGHTS of PROPOSED AMENDMENTS.

1. Site Plan Review shall apply to all Accessory Dwelling Units, regardless of form: in a detached structure, in a principal dwelling, whether located in existing building or in an addition.
2. ADUs are allowed in those zoning districts where single-family dwellings are allowed: Residence A, Residence B, Residence C, Residential Office and Neighborhood Business zoning districts. For referenced, see attached maps, ADU Zoning Districts (Att#1) and ADU Districts (Att#2).
3. Parking requirements. At this time, no parking would be required for an ADU, given that the entire City (except a small portion of Middlesex Fells Reservation) is located within ½ mile of an MBTA rapid transit station (Oak Grove or Malden Center) or a bus station, which is defined by state guidelines to be include bus routes. For reference, see attached maps, Property Exempt from Parking Regulations (Att#3 and Att #4).
4. Site Plan Review Committee. Composition – three members:
 - City Councilor or designee
 - Executive Director or designee of the Office of Strategic Planning & Economic Development
 - Department of Public Health Director or designee
5. Submission Requirements. To allow revisions that may be requested by the Building Commissioner, these requirements would be better codified in another section of City ordinances. See **PLANNING RECOMMENDATION** for alternative location to codify.

6. Review Schedule. The proposed time-frame for filing a decision with the City Clerk is 90 days from date the public hearing closes. See **PLANNING RECOMMENDATION** for expedited schedule.

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 (January 10, 2025); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

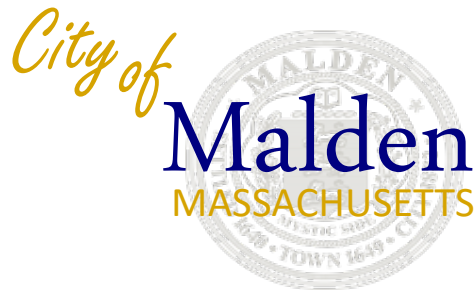
EFFECTIVE DATE. The effective date is the date of the City Council’s vote to ordain the amendments (§12.32.050.F). The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on January 27, 2025, **the final date for action is April 27, 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 **Approval of the proposed amendments as submitted and with the following additional revisions:**

1. Section 12.12.030. Table of use Regulations. To revise as follows:
For Accessory Dwelling Unit (*more than one*, second or subsequent): change “SP” to “No”
2. Section 12.16.010. Table of Intensity Regulations.
To delete all numbers in all columns and to add the following: “MCC, Section 12.32.030.D.5”
3. Section 12.32.030.D.1. Purpose and Intent. To revise the second sentence to read as follows:
The intent of this ordinance is to protect the health, safety and general welfare of the City’s present and future inhabitants and to address the potential impacts that the addition of an Accessory Dwelling Unit to a property may have on the principal dwelling, surrounding neighborhood and adjacent residences, including, but not limited to, impacts related to density, congestion, nuisance and parking; and to comply with M.G.L. c.40 A, Section 3, the so-called, “Affordable Homes Act.”
4. Section 12.32.030.D.2. Applicability. To revise the following provisions to read as follows:
 - A. Prior to the issuance of any building permit or certificate of occupancy *for any* Accessory Dwelling Unit, a Site Plan Review and Site Plan Approval from the Site Plan Review Committee shall be required pursuant to this section.
 - B. The Building Commissioner as Zoning Enforcement Officer shall determine whether a unit is an Accessory Dwelling Unit.
5. Section 12.32.030.D.3. Scope of Review. To revise the provision to read as follows:
Through site plan review, the City may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures for an ADU prior to the issuance of a building permit; and may consider what reasonable requirements concerning dimensional standards, such as, dimensional setbacks, lot coverage, open space, bulk, height and number of stories of the structure, if any, should be imposed on the use.
6. Section 12.32.030.D.4. General.
 - a) Section 12.32.030.D.4.F: to add the word, “required” before open space.
 - b) To add the following provision: G. Only one ADU shall be allowed on a single Lot.

7. Section 12.32.030.D.5. Design Standards.
 - a) Section 12.32.030.D.5.A. Siting and location. To revise the provision to read as follows:
An Accessory Dwelling Unit may be allowed only on a property that contains a principal dwelling.
 - b) Section 12.32.030.D.5.C. Dimensional requirements. To revise the provision as follows:
“The requirements shall be those required for the principal dwelling, or a single-family residential dwelling or accessory structure in the zoning district in which the ADU is located, whichever results in more permissive regulation.”
 - c) Section 12.32.030.D.5 D. To revise the following provision to read as follows:
Any expansion of a building’s footprint or addition to an existing principal dwelling for an Accessory Dwelling Unit shall comply with all dimensional controls.
 - d) Section 12.32.030.D.5 E. Size. To revise the following provision as follows:
The maximum size of an Accessory Dwelling Unit is 900 square feet of gross floor area or half the size of the gross floor area of the principal dwelling, whichever is smaller.
8. Section 12.32.030.D.6.D. Parking Requirements.
To delete subsection D (definition of Bus Station) in its entirety.
9. Section 12.32.030.D.7. Submission requirements. To delete the proposed section in its entirety and insert the following:
All applications for site plan review shall be in writing and shall provide the information identified in Title 4 of the Code of City of Malden.
10. Section 12.32.030.D.10. Decision.
To delete, “90 days” and “90-day,” and insert, “14 days” and “14-day.”
11. To make the following typographical corrections in the following sections:
 - a) Section 12.32.030.D.1. “M.G.L. c.40A”
 - b) Section 12.32.030.D.9.A. “OSPCD”
 - c) Section 12.32.030.D.12. insert, “M.G.L.c.40A, Section 3 or” after the word “to” and before the word “regulations”
12. Section 12.32.030.E (Administration, Certificates and Permits): Special Permit for Accessory Dwelling Units. To delete in its entirety.



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Gary Christenson, Mayor

TO: Malden City Council and
Malden Planning Board
FROM: Mayor Gary Christenson
DATE: January 27, 2025
RE: Accessory Dwelling Unit (ADU) Proposed Zoning Amendments

I write to follow up on our proposal recently submitted to the City Council regarding Accessory Dwelling Units (ADUs) and the local zoning process that will apply. Our team spent a significant amount of time in coming up with the proposal that was submitted, and I appreciate the effort and time that the City Council has spent considering it as well.

At this point, I believe it is worth mentioning that our administration has been a strong advocate for more housing, especially as it pertains to affordable housing. From the Salvation Army project to the Bryant Street proposal, to providing hundreds of affordable housing units at Overlook Ridge, we have been doing all that we can to address this pressing need. And we've done this in a transparent way by involving the community in these projects.

That process remains the same in the proposal before you tonight as we included a requirement that ADUs be subject to a Site Plan Review process. This process is intended to provide a transparent decision-making platform from which that same open dialogue can occur between neighbors. Site Plan Review is the lowest threshold group decision-making process we have at our disposal. It represents a minimal burden on those proposing to add ADUs and will provide an absolutely critical opportunity for neighbors to have input. Each neighborhood across the City has its own unique characteristics. They vary in density, housing type, and challenges. Site Plan Review is the right place to have a balanced discussion around proposals in a way that promotes both housing production and respect for the neighborhood.

The recent revisions to the State regulations make a Site Plan Review process with public engagement even more crucial. The removal of a minimum lot size, and the addition of the least restrictive dimensional controls, creates the opportunity for large buildings on small parcels. The expansion of these uses in dense neighborhoods warrants public engagement.

The inclusion of Site Plan Review remains something I am committed to as a requirement for any zoning language to be signed off on. I strongly encourage you to keep that in place for all proposed Accessory Dwelling Units. I cannot support a paper absent that provision or where it is applied to only a certain type of proposed ADU.

Thank you again for your hard work on this important matter.



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Gary Christenson, Mayor

TO: The Malden City Council
FROM: Mayor Gary Christenson
DATE: January 2, 2025
RE: Accessory Dwelling Unit (ADU) Proposed Zoning Amendments

As you know, the state Affordable Homes Act signed into law last year requires that Accessory Dwelling Units (ADUs) be allowed to be built by right in single-family zoning districts, similar to other specially protected "Dover Amendment" uses under M.G.L. c. 40A, Section 3. Under the law, ADUs will be allowable by right as of February 2, 2025, regardless of whether a municipality has updated its zoning to comply. The new law, however, allows municipalities to create regulations for ADUs in several areas, including regulating size, dimensional controls, and other regulations. It is therefore paramount that we have appropriate zoning in place before the February 2nd effective date.

After the law was signed, City staff - including the City Planner, OSPCD Director, Parking Director, ISD Director, and City Solicitor - developed proposed zoning amendments that will bring our zoning into compliance with the new state law while establishing allowable regulations to help mitigate the negative impacts of ADUs on our community. The actual impacts on the City remain unknown but have the potential to be significant. These potential impacts include but are not limited to health, safety, nuisance, and parking concerns. Unfortunately, the state's Executive Office of Housing and Livable Communities (EOHLC) has been slow to provide guidance throughout this process and only released draft regulations last month, which may change. Nevertheless, our team has worked tirelessly to develop the proposal that is now before you.

Highlights of the zoning proposal are as follows:

- Defines ADUs and establishes regulations
- Prohibits short-term rentals of ADUs, consistent with existing City ordinance
- Parking requirements
- Size and Dimensional Controls
- Site Plan Review

Despite the above-mentioned challenges, I believe the proposed amendments before you represent the City's best approach at this time to achieving compliance with the law while simultaneously addressing the interests of Malden and its residents.

Thank you for your prompt consideration and action given the state's February 2nd effective date.

Summary of Proposed Amendment: To establish requirements and regulations for Accessory Dwelling Units, including definition and site plan review.

To further amend Title 12 of the Code of the City of Malden as follows:

1. Section 12.12.030 (Use Regulations). To amend the Table of Use Regulations, to add the following new Residential use categories and regulations:

Zoning District	A	B	C	RO	BN	BC	BH	I1	I2	MEOD
Accessory Dwelling Unit	SPR	SPR	SPR	SPR	SPR	No	No	No	No	-
Accessory Dwelling Unit (second or subsequent ADU)	SP	SP	SP	SP	SP	No	No	No	No	-

2. Section 12.16.010 (Table of Intensity Regulations). To amend to add the following:

	Area SF	Frontage	Front	Side	Both sides	Rear	Min Usable Open Space	Coverage Principal Building	Coverage Accessory Building	Density	Max. height
Accessory Dwelling Unit (Any/all)	7,500	50'	10'	10'	20'	20'	1,000	10%	10% #	-	2 ½ stories but no more than 30'

provided that coverage for an accessory building used as an Accessory Dwelling Unit shall be no greater than 900 square feet.

3. Section 12.20.010 (Table of Offstreet Parking and Loading Regulations). To amend to add the following:

	Minimum Number of Parking Spaces	Minimum Number of Loading Bays/spaces
Accessory Dwelling Unit	MCC, Section 12.32.030.D.7	0

4. New Section 12.32.030.D (Administration, Certificates and Permits): To amend to add Site Plan Review for Accessory Dwelling Units.

Section 12.32.030.D. Site Plan Review for Accessory Dwelling Units:

1. Purpose and Intent.

The purpose of this section is to provide for site plan review of Accessory Dwelling Units (ADU) protected by M.G.L.A. c. 40A, § 3.

The intent of this ordinance is to address the potential impacts that the addition of an Accessory Dwelling Unit to a property may have on the surrounding neighborhood and adjacent residences, including but not limited to impacts related to health, safety, density, congestion, nuisance and parking; and to comply with M.G.L. c.40 A, Section 3, the so-called, "Affordable Homes Act."

2. Applicability.

A. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of any Accessory Dwelling Unit, a Site Plan

- Review and Site Plan Approval from the Site Plan Review Committee shall be required pursuant to this section, except where a special permit is required under this ordinance (Special Permits for Accessory Dwelling Units).
- B. The Building Commissioner as Zoning Enforcement Officer shall determine whether a unit is an Accessory Dwelling Unit. This determination may be appealed to the Board of Appeal as an administrative appeal under this ordinance.
3. Scope of Site Plan Review. Under this section, site plan review shall be limited to this inquiry:
- A. What reasonable regulations concerning the bulk and height of structures as well as determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.
4. General.
- A. Any Accessory Dwelling Unit shall conform to all requirements and comply with all regulations of this ordinance.
- B. There shall be no variance of any provision of this section.
- C. Short-term rental of an Accessory Dwelling Unit is prohibited.
- D. Any Accessory Dwelling Unit shall conform to the Building, Fire and Sanitary Codes and written proof of compliance shall be provided prior to beginning the Site Plan Review process.
- E. The provisions of Section 12.28.010 (Nonconforming Uses, Lots, Buildings and Structures) of this ordinance shall not apply to Accessory Dwelling Units.
- F. If the establishment of an Accessory Dwelling Unit creates a violation of dimensional controls and/or parking requirements for the principal dwelling, i.e., eliminates open space or parking required for the existing dwelling, the violation shall require a variance.
5. Design Standards.
- A. Siting and location. An Accessory Dwelling Unit may be allowed only on a property that contains a building with at least one single-family residential dwelling unit.
- B. Relationship to principal dwelling. An Accessory Dwelling Unit may be located in the same building as the principal dwelling, in an addition to the same building as the principal dwelling, or in a building detached from the building where the principal dwelling is located.
- C. Dimensional requirements. Any Accessory Dwelling Unit shall be regulated by the requirements of Section 12.16.010 of this ordinance for single-family residential dwelling use, including an Accessory Dwelling Unit located in a detached structure or building. Section 12.16.070.G shall not apply to an Accessory Dwelling Unit in a detached structure or building.
- D. Any expansion of a building's footprint or addition to an existing principal dwelling for an Accessory Dwelling Unit shall comply with all dimensional controls and shall be limited to that required to provide access/egress pursuant to the Building Code.
- E. Size. The maximum size of an Accessory Dwelling Unit is 900 square feet or half the size of the smallest existing dwelling unit in the principal dwelling, whichever is greater.
- F. Layout. The maximum number of kitchens in an Accessory Dwelling Unit is one.
- G. Open space. Required open space shall be provided for an Accessory Dwelling Unit, in conformance with the Minimum Usable Open Space Requirements of this ordinance.
6. Parking requirements.
- A. For property that is within one-half (1/2) mile of the MBTA Oak Grove Station or Malden Center Station or Bus Station, no parking space shall be required for an Accessory Dwelling Unit.

- B. For property located more than one-half (1/2) mile from the MBTA Oak Grove Station or MBTA Malden Center Station or Bus Station, one parking space onsite shall be required for the accessory dwelling unit, in conformance with the parking requirements of this Ordinance, including but not limited to, dimensions, aisles, grades.
 - C. Distance shall be measured from property line to property line.
 - D. Bus Station as used herein is defined to be a location serving as a point of embarkation for any bus operated by the Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, s. 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, s. 3 or M.G.L., c. 161B, s. 14.
7. Submission requirements. All applications for site plan review shall be in writing and provide the following:
- A. Site plan. A site plan, prepared by a registered architect, landscape architect, or professional engineer, with the following information:
 - 1) Scale and north point
 - 2) Name and address of applicant
 - 3) Total land area of the site and boundaries of the site
 - 4) Locus plan
 - 5) Present and proposed use of the land and existing buildings, if any
 - 6) Location and use of structures within 100 feet of property line
 - 7) Locations, elevations, and dimensions of existing and proposed building(s) or other structures, showing setback(s) from property lines
 - 8) Locations and dimensions of any easement and public or private rights-of-way, existing or proposed
 - 9) Wetlands, ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. c. 131, § 40, and rules promulgated therein, 310 CMR 10.00
 - 10) Existing proposed contour elevations in one foot increments
 - 11) Proposed surfacing
 - 12) Parking and loading areas
 - 13) Driveways and access to site; and evidence of the ability of site to handle emergency vehicles
 - 14) Facilities for vehicular and pedestrian circulation
 - 15) Locations of existing and proposed on-site public utilities and facilities (water, sewerage, and drainage) showing size and direction of flows
 - 16) Landscaping and screening, including trees, stone walls, fences and other features to be retained or removed
 - 17) Outdoor lighting, including location and intensity of lighting facilities
 - 18) Signs, proposed and existing
 - 19) Location and significance of historic structures.
 - B. The information requested below:
 - 1) Name and address of applicant person or entity;
 - 2) Name and address of property owner;
 - 3) Description of the proposed use and any documents necessary to establish threshold compliance with M.G.L. c. 40A, § 3; and
 - 4) Reason that relief is requested from otherwise applicable zoning requirements.
 - C. If necessary to reach a decision on the application, the SPRC may request further information from the applicant consistent with M.G.L.A. c. 40A, § 3, specifying in detail the information required.
8. Site Plan Review Committee.

- A. Composition: The Site Plan Review Committee for Accessory Dwelling Units (SPRC ADU) shall have the following three members:
- A City Councilor designated by the City Council President.
 - Director of Public Health (or designee)
 - Director of OSPCD or designee (designee shall be member of OSPD staff)
- B. Quorum. All members of the Committee are required to conduct any business.
9. Public Hearing. The SPRC ADU shall conduct a public hearing in accordance with M.G.L. c. 40A, § 11 and the notice provisions of this ordinance.
10. Decision. The SPRC ADU may approve, approve with conditions, or deny an application for site plan approval; provided, however, that any denial of an application shall be predicated only upon applicant's failure to provide necessary information. In making its decision, the SPRC ADU shall be guided exclusively by M.G.L. c. 40A, § 3.
The SPRC ADU shall file a written decision with the city clerk within 90 days of the close of the public hearing.
Failure to file a decision within said 90-day period shall constitute approval of the site plan.
11. Appeal. Any appeal of the SPRC ADU's decision under this section shall be made pursuant to M.G.L. c. 40A, § 17, to a court of competent jurisdiction.
12. Severability. If any provision of this ordinance is deemed to be invalid because contrary to regulations that may be promulgated by the state Executive Office of Housing and Livable Communities, all other provisions will remain in full force and effect.
5. New Section 12.32.030.E (Administration, Certificates and Permits): To amend to add Special Permit for Accessory Dwelling Units.

Section 12.32.030.E Special Permit for Accessory Dwelling Units:

A special permit shall be required for the use of land or structures for an ADU on a lot in which an ADU is already located and an additional ADU may be allowed only by special permit granted by the Planning Board in conformance with the following requirements and controls:

1. For construction of new buildings, compliance with the dimensional controls and parking requirements of this Ordinance. A variance shall be required to grant relief from any noncompliance with dimensional controls and parking requirements of this Ordinance.
 2. For the addition of a residential use to a lawfully existing building, or for alteration, conversion or other change to a residential use, which was lawfully existing or begun prior to the first publication of notice of the public hearing on this amendment, the Planning Board must make a finding that any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood; and if the Planning Board makes the finding that any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood, then any new or increased violations of dimensional controls or parking requirements may be allowed by special permit and shall not require a variance.
 3. The Planning Board must find that the residential use is in the interest of the common good.
6. Section 12.32.060 (Definitions): To add the following definition for Accessory Dwelling Unit.

Accessory Dwelling Unit. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry

hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the smallest unit in the principal dwelling or 900 square feet, whichever is smaller; (iii) that may not be used for Short Term Rental as defined by this ordinance and section 1 of M.G.L. Chapter 64G; and (iv) that conforms to the requirements and regulations of Site Plan Review of this ordinance.

7. Section 12.28.010 (Nonconforming Uses, Lots, Buildings and Structures). To amend to add the following new subsection:

K. The provisions of this section shall not apply to Accessory Dwelling Units.

Summary of Proposed Amendment: To establish requirements and regulations for Accessory Dwelling Units, including definition and site plan review.

To further amend Title 12 of the Code of the City of Malden as follows:

1. **Section 12.12.030 (Use Regulations).** To amend the Table of Use Regulations, to add the following new Residential use categories and regulations:

Zoning District	A	B	C	RO	BN	BC	BH	I1	I2	MEOD
Accessory Dwelling Unit	SPR	SPR	SPR	SPR	SPR	No	No	No	No	-
Accessory Dwelling Unit (second or subsequent ADU)	SP	SP	SP	SP	SP	No	No	No	No	-

2. **Section 12.16.010 (Table of Intensity Regulations).** To amend to add the following:

	Area SF	Frontage	Front	Side	Both sides	Rear	Min Usable Open Space	Coverage Principal Building	Coverage Accessory Building	Density	Max. height
Accessory Dwelling Unit (Any/all)	7,500 5000	50'	10'	10'	20'	20'	1,000	10%	10% #	-	2 1/2 stories but no more than 30'

Existing Height, or up to 2 1/2 Stories but no more than 30' with SPR

provided that coverage for an accessory building used as an Accessory Dwelling Unit shall be no greater than 900 square feet.

3. **Section 12.20.010 (Table of Offstreet Parking and Loading Regulations).** To amend to add the following:

	Minimum Number of Parking Spaces	Minimum Number of Loading Bays/spaces
Accessory Dwelling Unit	MCC, Section 12.32.030.D.7	0

4. **New Section 12.32.030.D (Administration, Certificates and Permits):** To amend to add Site Plan Review for Accessory Dwelling Units.

Section 12.32.030.D. Site Plan Review for Accessory Dwelling Units:

1. Purpose and Intent.

The purpose of this section is to provide for site plan review of Accessory Dwelling Units (ADU) protected by M.G.L.A. c. 40A, § 3.

The intent of this ordinance is to address the potential impacts that the addition of an Accessory Dwelling Unit to a property may have on the surrounding neighborhood and adjacent residences, including but not limited to impacts related to health, safety, density, congestion, nuisance and parking; and to comply with M.G.L. c.40 A, Section 3, the so-called, "Affordable Homes Act."

2. Applicability. For ADU's seeking relief from the standards of 12.16.010,

A. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of any Accessory Dwelling Unit, a Site Plan

- Review and Site Plan Approval from the Site Plan Review Committee shall be required pursuant to this section, except where a special permit is required under this ordinance (Special Permits for Accessory Dwelling Units).
- B. The Building Commissioner as Zoning Enforcement Officer shall determine whether a unit is an Accessory Dwelling Unit. This determination may be appealed to the Board of Appeal as an administrative appeal under this ordinance.
3. Scope of Site Plan Review. Under this section, site plan review shall be limited to this inquiry:
 - A. What reasonable regulations concerning the bulk and height of structures as well as determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.
 4. General.
 - ~~A. Any Accessory Dwelling Unit shall conform to all requirements and comply with all regulations of this ordinance.~~
 - ~~B. There shall be no variance of any provision of this section.~~
 - C. Short-term rental of an Accessory Dwelling Unit is prohibited.
 - D. Any Accessory Dwelling Unit shall conform to the Building, Fire and Sanitary Codes and written proof of compliance shall be provided prior to ~~beginning the Site Plan Review process.~~ **issuance of a building permit**
 - ~~E. The provisions of Section 12.28.010 (Nonconforming Uses, Lots, Buildings and Structures) of this ordinance shall not apply to Accessory Dwelling Units.~~
 - F. If the establishment of an Accessory Dwelling Unit creates a violation of dimensional controls and/or parking requirements for the principal dwelling, i.e., eliminates open space or parking required for the existing dwelling, the violation shall require a variance.
 5. Design Standards.
 - A. Siting and location. An Accessory Dwelling Unit may be allowed only on a property that contains a building with at least one single-family residential dwelling unit.
 - B. Relationship to principal dwelling. An Accessory Dwelling Unit may be located in the same building as the principal dwelling, in an addition to the same building as the principal dwelling, or in a building detached from the building where the principal dwelling is located.
 - C. Dimensional requirements. Any Accessory Dwelling Unit shall be regulated by the requirements of Section 12.16.010 of this ordinance for single-family residential dwelling use, including an Accessory Dwelling Unit located in a detached structure or building. Section 12.16.070.G shall not apply to an Accessory Dwelling Unit in a detached structure or building.
 - D. Any expansion of a building's footprint or addition to an existing principal dwelling for an Accessory Dwelling Unit shall comply with all dimensional controls and shall be limited to that required to provide access/egress pursuant to the Building Code.
 - E. Size. The maximum size of an Accessory Dwelling Unit is 900 square feet or half the size of the smallest existing dwelling unit in the principal dwelling, whichever is greater.
 - F. Layout. The maximum number of kitchens in an Accessory Dwelling Unit is one.
 - G. Open space. Required open space shall be provided for an Accessory Dwelling Unit, in conformance with the Minimum Usable Open Space Requirements of this ordinance.
 6. Parking requirements. **No parking shall be required for an ADU. DELETE A - D**
 - A. For property that is within one-half (1/2) mile of the MBTA Oak Grove Station or Malden Center Station or Bus Station, no parking space shall be required for an Accessory Dwelling Unit.

- B. For property located more than one-half (1/2) mile from the MBTA Oak Grove Station or MBTA Malden Center Station or Bus Station, one parking space onsite shall be required for the accessory dwelling unit, in conformance with the parking requirements of this Ordinance, including but not limited to, dimensions, aisles, grades.
 - C. Distance shall be measured from property line to property line.
 - D. Bus Station as used herein is defined to be a location serving as a point of embarkation for any bus operated by the Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, s. 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, s. 3 or M.G.L., c. 161B, s. 14.
7. Submission requirements. All applications for site plan review shall be in writing and provide the following:
- A. Site plan. A site plan, prepared by a registered architect, landscape architect, or professional engineer, with the following information:
 - 1) Scale and north point
 - 2) Name and address of applicant
 - 3) Total land area of the site and boundaries of the site
 - 4) Locus plan
 - 5) Present and proposed use of the land and existing buildings, if any
 - 6) Location and use of structures within 100 feet of property line
 - 7) Locations, elevations, and dimensions of existing and proposed building(s) or other structures, showing setback(s) from property lines
 - 8) Locations and dimensions of any easement and public or private rights-of-way, existing or proposed
 - 9) Wetlands, ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. c. 131, § 40, and rules promulgated therein, 310 CMR 10.00
 - 10) Existing proposed contour elevations in one foot increments
 - 11) Proposed surfacing
 - 12) Parking and loading areas
 - 13) Driveways and access to site; and evidence of the ability of site to handle emergency vehicles
 - 14) Facilities for vehicular and pedestrian circulation
 - 15) Locations of existing and proposed on-site public utilities and facilities (water, sewerage, and drainage) showing size and direction of flows
 - 16) Landscaping and screening, including trees, stone walls, fences and other features to be retained or removed
 - 17) Outdoor lighting, including location and intensity of lighting facilities
 - 18) Signs, proposed and existing
 - 19) Location and significance of historic structures.
 - B. The information requested below:
 - 1) Name and address of applicant person or entity;
 - 2) Name and address of property owner;
 - 3) Description of the proposed use and any documents necessary to establish threshold compliance with M.G.L. c. 40A, § 3; and
 - 4) Reason that relief is requested from otherwise applicable zoning requirements.
 - C. If necessary to reach a decision on the application, the SPRC may request further information from the applicant consistent with M.G.L.A. c. 40A, § 3, specifying in detail the information required.
8. Site Plan Review Committee.

- A. Composition: The Site Plan Review Committee for Accessory Dwelling Units (SPRC ADU) shall have the following three members:
 - A City Councilor designated by the City Council President.
 - Director of Public Health (or designee)
 - Director of OSPCD or designee (designee shall be member of OSPD staff)
 - B. Quorum. All members of the Committee are required to conduct any business.
9. Public Hearing. The SPRC ADU shall conduct a public hearing in accordance with M.G.L. c. 40A, § 11 and the notice provisions of this ordinance.
10. Decision. The SPRC ADU may approve, approve with conditions, or deny an application for site plan approval; provided, however, that any denial of an application shall be predicated only upon applicant's failure to provide necessary information. In making its decision, the SPRC ADU shall be guided exclusively by M.G.L. c. 40A, § 3.
The SPRC ADU shall file a written decision with the city clerk within 90 days of the close of the public hearing.
Failure to file a decision within said 90-day period shall constitute approval of the site plan.
11. Appeal. Any appeal of the SPRC ADU's decision under this section shall be made pursuant to M.G.L. c. 40A, § 17, to a court of competent jurisdiction.
12. Severability. If any provision of this ordinance is deemed to be invalid because contrary to regulations that may be promulgated by the state Executive Office of Housing and Livable Communities, all other provisions will remain in full force and effect.
5. New Section 12.32.030.E (Administration, Certificates and Permits): To amend to add Special Permit for Accessory Dwelling Units.

Section 12.32.030.E Special Permit for Accessory Dwelling Units:

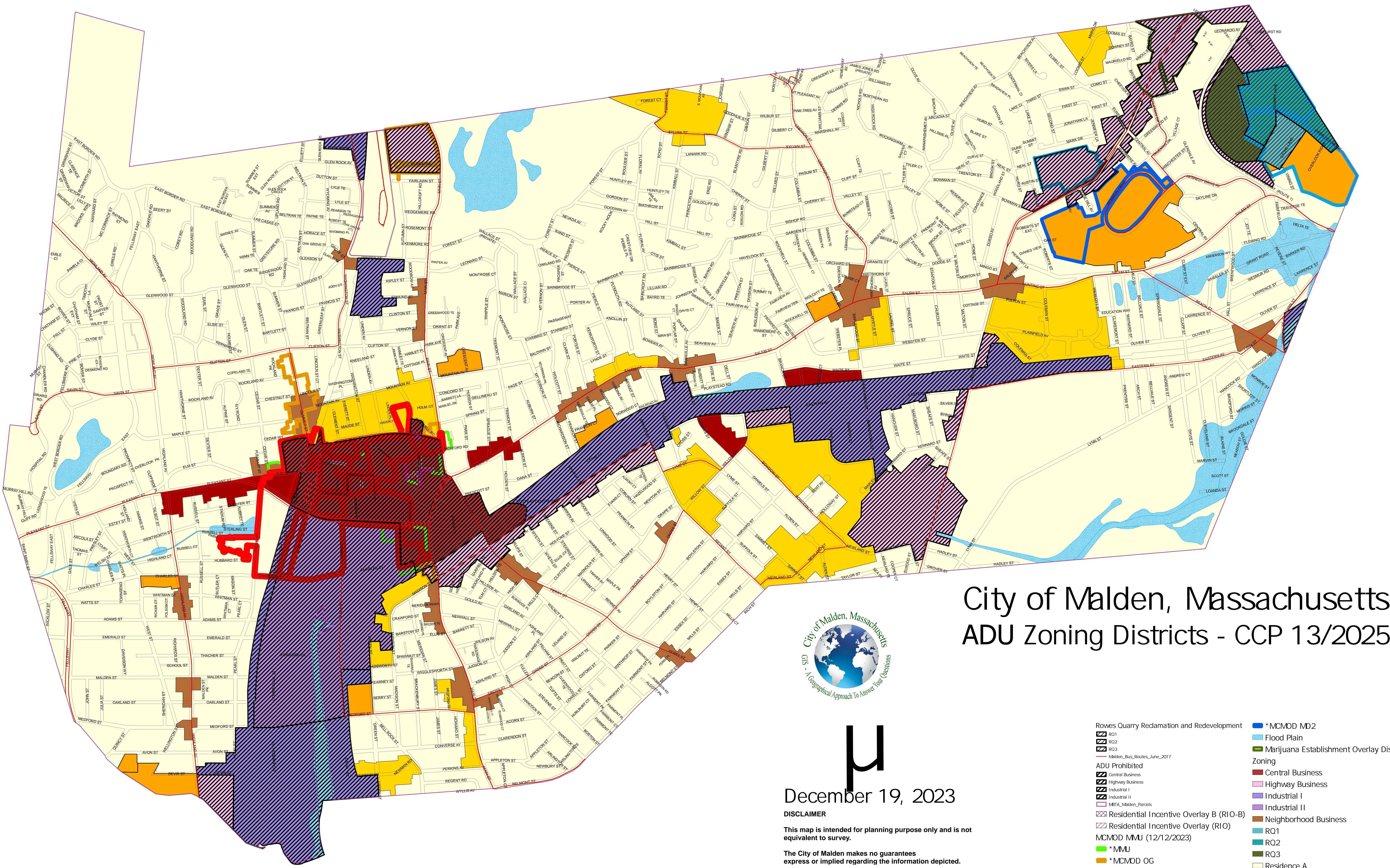
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City of Malden, Massachusetts ADU Zoning Districts - CCP 13/2025



December 19, 2023

DISCLAIMER
This map is intended for planning purpose only and is not equivalent to survey.
The City of Malden makes no guarantees express or implied regarding the information depicted.

0 0.25 0.5 Miles
By Malden GIS
Steven L. Fama, Manager of GIS and Database Operations.
Current Time: Tuesday, January 14, 2025 4:17 PM

- Rows Quarry Reclamation and Redevelopment

R01

R02

R03

Malden_Bus_Routes_June_2017

ADU Prohibited

Central Business

Highway Business

Industrial I

Industrial II

MBTA_Malden_Parcel

Residential Incentive Overlay B (RIO-B)

Residential Incentive Overlay (RIO)

MCMOD MMJ (12/12/2023)

* MMJ

* MCMOD OG

* MCMOD MC HIGH RISE

* MCMOD MC

* MCMOD MD1
- * MCMOD MD2

Flood Plain

Marijuana Establishment Overlay District

Zoning

Central Business

Highway Business

Industrial I

Industrial II

Neighborhood Business

RQ1

RQ2

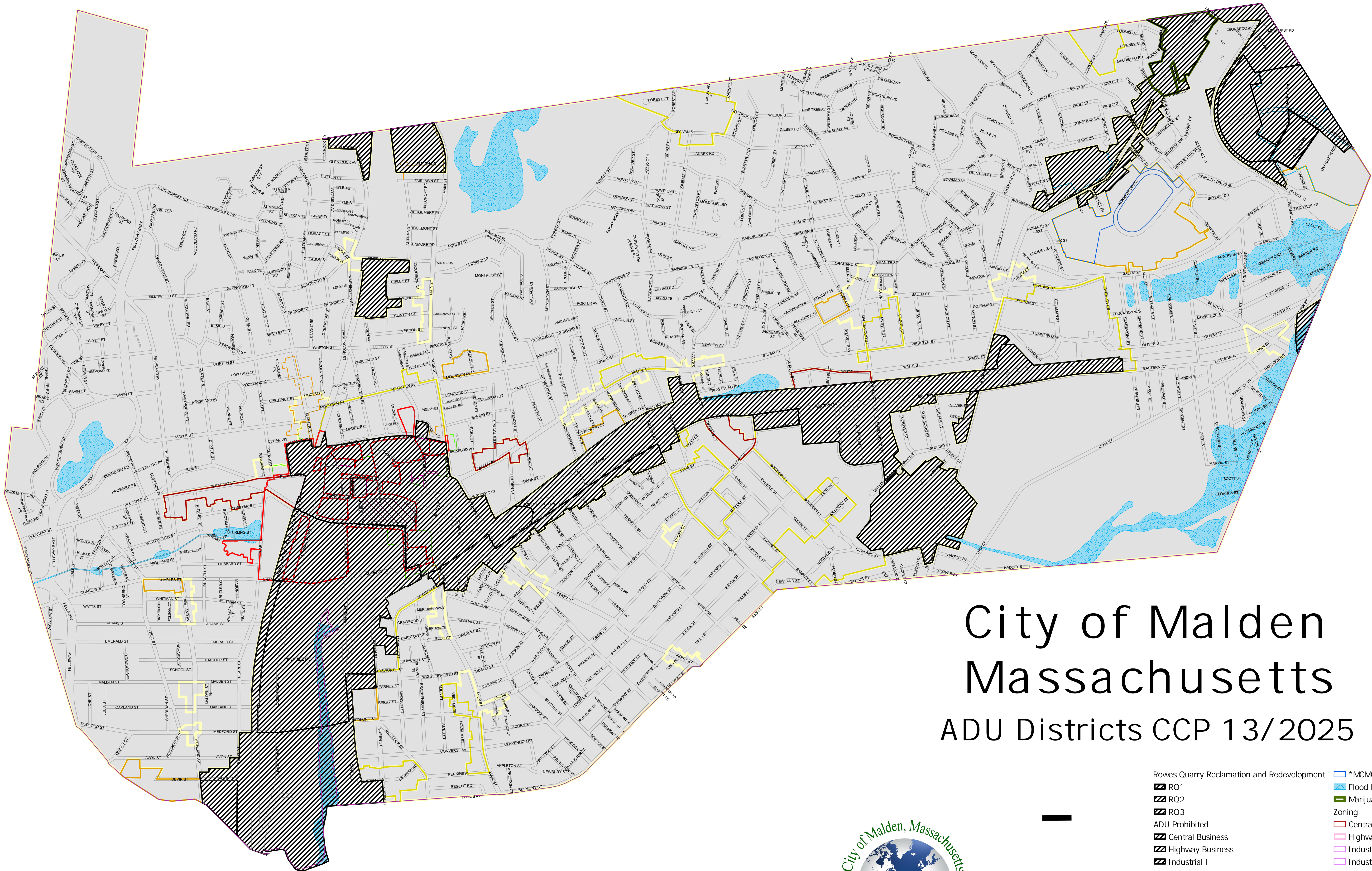
RQ3

Residence A

Residence B

Residence C

Residential Office
- * See Section 12.12.400 for effective date.



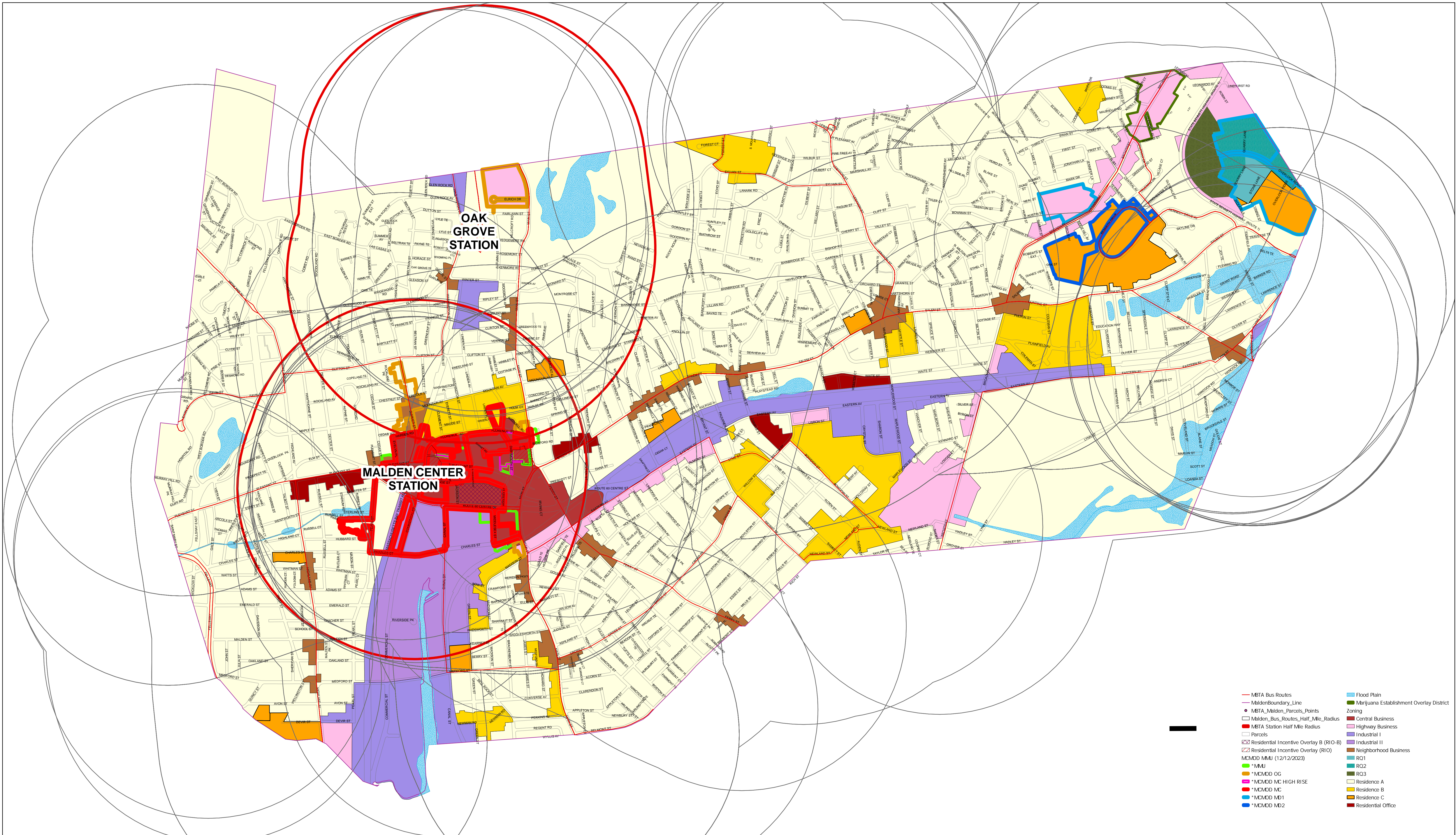
City of Malden Massachusetts

ADU Districts CCP 13/2025



- Rows Quarry Reclamation and Redevelopment
 - RQ1
 - RQ2
 - RQ3
- ADU Prohibited
 - Central Business
 - Highway Business
 - Industrial I
 - Industrial II
 - Industrial III
- Residential Incentive Overlay B (RIO-B)
- Residential Incentive Overlay (RIO)
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- Residence B
- Residence C
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City of Malden, Massachusetts

Property Exempt from Parking Regulations

Proposed Zoning Amendments re: ADUs (CCP 13-2025) 1/7/2025

