



## Legislation Details (With Text)

**File #:** 386-19      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 11/6/2019      **In control:** City Council

**On agenda:** 11/12/2019      **Final action:** 2/11/2020

**Title:** Order: Be it hereby ordained that the Revised Ordinances of 1991 as amended be further amended to amend Chapter 12 to add the following language as a new Section 300.1.3 (existing Section 300.1.3 to be renumbered to Section 300.1.4):

**Sponsors:** Ryan O'Malley, Craig Spadafora

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/11/2020	1	City Council	ordained	
2/11/2020	1	City Council	ordained	Pass
1/28/2020	1	City Council	enrolled	Pass
11/12/2019	1	City Council	referred	Pass

Order: Be it hereby ordained that the Revised Ordinances of 1991 as amended be further amended to amend Chapter 12 to add the following language as a new Section 300.1.3 (existing Section 300.1.3 to be renumbered to Section 300.1.4):

Section 300.1.3 (new) In addition to any other special permit that may be required as herein provided by this Ordinance, in the case of any property, in any zoning district, that is or was the site of a building or structure that has been determined to be a Preferably Preserved Building by the Malden Historical Commission pursuant to the City of Malden Demolition and Alteration Delay Ordinance, a special permit shall be required for any new construction, structural changes and/or alterations to the building, structure or site; and a special permit may be granted only in conformance with the following controls:

.1 For construction of a new building or structure, compliance with the dimensional controls and parking requirements of this Ordinance.

.2 For any extension, addition, structural change and/or alteration to an existing building, structure or site, lawfully existing or begun prior to the first publication of notice of the public hearing on this amendment, the special permit granting authority must find that any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood.

.3 The special permit granting authority must find the proposal is in the interest of the common good.

.4 The special permit granting authority must receive and reasonably incorporate into a special permit that is granted the recommendations of the Malden Historical Commission regarding the preservation of the building, structure or site, which may include, but is not limited to, the rehabilitation, restoration, replication and/or reuse, in whole or in part, of the building, structure or

site, or any historical features or elements of the property, the façade and the exterior of the building.

.5 Where the proposal may be allowed by special permit, as required by any other provisions of this Ordinance, the special permit granting authority shall be the same; where no special permit is otherwise required under this Ordinance, the Planning Board shall be the special permit granting authority.

.6 Prior to filing an application for a special permit, Applicant must file a Notice of Intent to Demolish or Alter a Building/Application for Review by the Historical Commission and all applicable Determinations by the Historical Commission under the Demolition and Alteration Delay Ordinance must be obtained.