



## Legislation Details (With Text)

**File #:** 315-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/22/2022      **In control:** City Council  
**On agenda:** 1/17/2023      **Final action:**  
**Title:** Order: That MCC 12.12.190.A and 12.12.190.B be amended  
**Sponsors:** Amanda Linehan  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 6.15.21 Prop #1, 2. CCP 315 2022 Staff Report 10.11.22, 3. CCP 315 2022 PBR 10.22 wAtt, 4. Informational Memo on Buffer Zones\_Dimensional Controls (1), 5. Final Paper: 315-22

| Date       | Ver. | Action By    | Action               | Result |
|------------|------|--------------|----------------------|--------|
| 1/3/2023   | 1    | City Council | tabled               | Pass   |
| 1/3/2023   | 1    | City Council | enrolled             | Pass   |
| 1/3/2023   | 1    | City Council | rules suspended      | Pass   |
| 1/3/2023   | 1    | City Council | ordained             | Pass   |
| 12/20/2022 | 1    | City Council | taken from the table | Pass   |
| 11/15/2022 | 1    | City Council | tabled               | Pass   |
| 8/9/2022   | 1    | City Council | defeated             | Fail   |
| 6/28/2022  | 1    | City Council | referred             | Pass   |

Order: That MCC 12.12.190.A and 12.12.190.B be amended

Order: That Title 12 of the Code of the City of Malden be amended for purposes of amending special permit use regulations for marijuana establishments re: buffer zones, and re: relief required, to update use regulations to reflect current protocol and administration of zoning ordinance to render the language in the ordinance consistent with current interpretation and application.

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

Section 12.12.190.A amend to state the following:

“A. For construction of new buildings, compliance with the dimensional controls, parking requirements, and buffer zones of this Ordinance. A variance shall be required to grant relief from any noncompliance with dimensional controls, parking requirements, and buffer zones of this Ordinance.”

Section 12.12.190.B amend to state the following:

“B. For Marijuana Establishment use of a building lawfully existing or begun prior to the first publication of notice of the public hearing on this Ordinance, or for alteration, conversion or other change to a Marijuana Establishment use lawfully existing or begun prior to the first publication of notice of the public hearing on any amendment to this Ordinance, the City Council must find that any creation or increase in violations of dimensional controls, parking requirements, and/or buffer zones will not be more detrimental to the neighborhood; and if the City Council makes the finding that any

creation or increase in violations of dimensional controls, parking requirements, and/or buffer zones will not be more detrimental to the neighborhood, then any new or increased violations of dimensional controls, parking requirements or buffer zones may be allowed by the special permit granted by the City Council and shall not require a variance.”