

Last-Mile Warehouse Special Permit Requirements
TEXT AMENDMENT

September 07, 2022

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article I

GENERAL PROVISIONS

CHAPTER 2

Construction of Language and Definitions

12-10

DEFINITIONS

* * *

Last-mile warehouse

A “last-mile warehouse” is a warehouse that 1) contains at least 50,000 square feet of total floor space that is used for warehouse activities; and 2) has as its primary purpose the temporary storage, sorting, and redistribution of goods to fulfill e-commerce orders by receiving shipments of goods from one mode of transport and redistributing those goods via a delivery vehicle. A “last-mile warehouse” shall not include any facility where goods are manufactured or assembled on site and temporarily stored prior to distribution, or any facility that has as its primary purpose the temporary storage of food products for wholesale distribution.

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Article III

COMMERCIAL DISTRICT REGULATIONS

CHAPTER 2

Use Regulations

Last-Mile Warehouse Special Permit Requirements

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32-10

USES PERMITTED AS-OF-RIGHT

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32-25

Use Group 16

* * *

Warehouses* [PRC-G], except for last-mile warehouses

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32-30

USES PERMITTED BY SPECIAL PERMIT

* * *

32-32

By the City Planning Commission

* * *

C8

Amusement parks, children’s, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

Last-mile warehouses

* * *

Article IV

MANUFACTURING DISTRICT REGULATIONS

CHAPTER 2

Use Regulations

42-10

USES PERMITTED AS-OF-RIGHT

* * *

42-12

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Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

* * *

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of *floor area* per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, and 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25, except that warehouses shall not be last-mile warehouses as defined in Section 12-10. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of *floor area* per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

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42-30

USES PERMITTED BY SPECIAL PERMIT

* * *

42-32

By the City Planning Commission

* * *

M1 M2 M3

Last-mile warehouses

* * *

Article VII

ADMINISTRATION

CHAPTER 4

Special Permits by the City Planning Commission

74-40

USE PERMITS

* * *

74-49a

Last-Mile Warehouses

In C8, M1, M2, and M3 Districts the City Planning Commission may permit last-mile warehouses. For a special permit to be granted, applications shall comply with the conditions in

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paragraph (a), the findings of paragraph (b), and the additional requirements set forth in paragraph (c).

(a) Conditions

The following conditions must be met before the Commission may grant a special permit under this section:

- (1) any last-mile warehouse shall be a minimum of 1,000 feet from any school, park, nursing home, or public housing building;
- (2) any last-mile warehouse shall be a minimum of 1,000 feet from any other last-mile warehouse;
- (3) for any last-mile warehouse located in a Significant Maritime Industrial Area, 80% of deliveries to and from such last-mile warehouse shall be conducted by marine transport unless meeting this requirement is shown to be infeasible;

(b) Findings

As a condition for granting a special permit pursuant to this Section, the Commission shall first make the following findings:

- (1) the proposed last-mile warehouse will not result in undue vehicular congestion, pedestrian safety risks, or adverse impacts to road conditions;
- (2) the proposed last-mile warehouse will not increase air pollution in any Disadvantaged Community, as defined under the New York Climate Leadership and Community Protection Act, E.C.L. § 75-0101(5); or in any M1, M2, M3, or C8 District or adjacent residential area;
- (3) if the proposed last-mile warehouse will be located in a flood plain, it will comply with any applicable waterfront district zoning requirements.

(c) Additional requirements

- (1) All applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Transportation for a report and recommendations on matters related to traffic congestion, pedestrian safety, and road conditions with regard to the proposed facility. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations.

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- (2) All applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Environmental Protection for a report and recommendations on matters related to air pollution and public health with regard to the proposed facility. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations.
- (3) The Commission shall require any last-mile facility operator to submit an annual report including data regarding the number and age of trucks servicing the facility, the trucks' owners, and the routes used;
- (4) In order to mitigate the impacts of last-mile facilities, the Commission may condition approval of a special permit pursuant to this Section on the use of alternative transportation, such as electric vehicles, rail, and bikes, for deliveries to and from the facility; the installation of solar panels, vehicle charging equipment, and/or battery storage at the facility; the provision of air filtration systems at any school, park, nursing home, or public housing building within one mile of the facility; and time-of-use, hour-of-operation, or truck idling restrictions.

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APPENDIX A – INDEX OF USES

Warehouses [PRC-G]	16	C8 M1 M2 M3
<u>Limited as to floor space and purpose</u>	<u>16</u>	<u>C8</u> <u>M1 M2 M3</u>
<u>Unlimited</u>		<u>C8**</u> <u>M1** M2** M3**</u>