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Mayor

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Barney S. Heath  
Director

**MEMORANDUM**

**DATE:** March 25, 2022

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **#127-22 Request for amendment to the Zoning Code to regulate “last mile” delivery services**  
COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN AND ALBRIGHT  
requesting an amendment to the Zoning Code to regulate “last mile” delivery services in the City of Newton.

**MEETING:** March 28, 2022

**CC:** City Council  
Planning Board  
Economic Development Commission  
Jonathan Yeo, Chief Operating Officer

The idea of regulating “last mile” delivery services (ex. Gopuff, Fridge No More, Getir, and Buyk) was originally presented to ZAP at their [January 24, 2022 meeting](#). ZAP, and other City Councilor input, guided Planning staff to develop a new zoning use definition, Microfulfillment Centers, which was introduced to ZAP at their [March 14, 2022 meeting](#). The key issue that arose was whether to allow Microfulfillment Centers in village centers at all.

With input from the previous ZAP meeting, Planning staff have updated the proposed definition into two options for ZAP’s consideration. Additionally, Planning staff reviewed these options with the advisory group made up of members from the Planning Board, EDC, and Regional Chamber.

	<b>3/14 Proposal</b>	<b>Revised Proposal 1</b>	<b>Revised Proposal 2</b>
<b>Allowed (village centers)</b>	Yes, with standards	Yes, with standards	No

	3/14 Proposal	Revised Proposal 1	Revised Proposal 2
<b>Location (on the street)</b>	Yes, with an in-person retail space and minimum transparency	No, can only be located pushed back from the street.	No
<b>Reasoning</b>	The design requirements prevent the business from being a “dark store”	Removing the use from the street prevents direct impact to the public realm. Allowing off the street means the use could fill difficult to lease space and could lead to the demising of existing larger/deeper spaces.	The use is not appropriate for village centers

**Next Steps**

ZAP has set a Public Hearing for April 25, 2022. In advance of the Public Hearing, Planning staff recommend that the Committee come to a consensus on which proposal to move forward with. Planning staff will then work with the Law Department and ISD to refine the language for incorporation in the Zoning Ordinance. However, the Public Hearing noticing can encompass both options if that is not possible.

**Looking Ahead**

While it may be important to create new regulations for last mile delivery services, limiting where they can locate does nothing to help desirable businesses locate and thrive in Newton. Therefore, the advisory group has recommended exploring other targeted zoning amendments that would level the playing field for desirable businesses to locate within Newton immediately following the creation of this new use. Working through our advisory group, we have spoken with property owners, business owners, and real estate brokers who spoke in support of the following changes:

- Eliminate parking requirements for ground-floor non-residential uses under a certain square footage of leasable space
- Revise the Use Table for commercial and industrial uses that:
  - Combines and categorizes uses to ease understanding and enforcement
  - Introduce new uses for the 21<sup>st</sup> century economy (ex. co-working)
  - Remove or modify specific rules applying to certain uses

**Links**

Newton Zoning Map - <https://www.newtonma.gov/home/showpublisheddocument/27803/637393052403770000>

**Attachments**

- Attachment A - Microfulfillment Centers – draft zoning use definition Proposal 1
- Attachment B - Microfulfillment Centers – draft zoning use definition Proposal 2

Draft Zoning Definition (option 1)  
**Microfulfillment Centers**

**Attachment A**  
**Allowed in Village Centers**

Use Table (Sec. 4.4.1) -

Business, Mixed Use & Manufacturing Districts	B U 1	B U 2	B U 3	B U 4	M U 1	M U 2	M U 3	M U 4	M	L M	Definition / Listed Standards
<b>Microfulfillment Center</b>	L	L	-	L	L	L	-	-	L	L	6.4.XX

Number of Parking Stalls (Sec. 5.1.4) -

Use	Parking Stalls Required	Allowed by Special Permit
<b>Microfulfillment Center</b>	1 per 1000 sf plus 1 per 4 employees	

Off-Street Loading Requirements (Sec. 5.1.12) -

Table of Off-street Loading Requirements		
Number of bays required for new or expanded uses by gross floor area of structure of land use (in sf)		
Uses	Under 5,000 sf	5,000 - 50,999 sf
<b>Microfulfillment Center</b>	0	1

Use Definition -

**6.4.XX Microfulfillment Center**

**A. Defined.** A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

**B. Standards for Allowed Uses**

- 1. Size.** The following size requirements shall be required for Microfulfillment Centers in accordance with the following table.

Zoning District	Maximum Gross Floor Area
Business 1 and 2	5,000 square feet
Business 4, Mixed Use 1 and 2, Manufacturing and Limited Manufacturing	10,000 square feet

Draft Zoning Definition (option 1)  
**Microfulfillment Centers**

**Attachment A**  
**Allowed in Village Centers**

2. **Parking.** In addition to complying with the parking requirements of Sec. 5.1, the operator of a Microfulfillment Center shall provide onsite parking spaces dedicated for deliveries in accordance with the following:
  - a. Microfulfillment Centers shall provide a minimum of two off-street parking stalls for the first 2,500 square feet of gross floor area and an additional one off-street parking stall for every additional 2,500 square feet of gross floor area. Fractions ending in 0.5 or higher shall round up to the nearest whole number.
  - b. Sections 5.1.3.B and 5.1.3.D shall not be applicable to parking spaces required under this section 6.4.XX.B.2.
3. **Design Standards.** In the Business 1,2 and 4 and Mixed Use 1 and 2 Districts, the Microfulfillment Center use shall be allowed only when the use is:
  - a. Located more than 16 feet from the street-facing building facade; or
  - b. Any point of the building containing the use is located at least 30 feet from a street.

Draft Zoning Definition (option 2)

**Microfulfillment Centers**

**Attachment B  
Not Allowed in Village Centers**

Use Table (Sec. 4.4.1) -

Business, Mixed Use & Manufacturing Districts	B U 1	B U 2	B U 3	B U 4	M U 1	M U 2	M U 3	M U 4	M	L M	Definition / Listed Standards
<b>Microfulfillment Center</b>	-	-	-	L	L	L	-	-	L	L	6.4.XX

Number of Parking Stalls (Sec. 5.1.4) -

Use	Parking Stalls Required	Allowed by Special Permit
<b>Microfulfillment Center</b>	1 per 1000 sf plus 1 per 4 employees	

Off-Street Loading Requirements (Sec. 5.1.12) -

Table of Off-street Loading Requirements		
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<b>Microfulfillment Center</b>	0	1

Use Definition -

**6.4.XX Microfulfillment Center**

**A. Defined.** A facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers.

**B. Standards for Allowed Uses**

1. **Size.** 10,000 square feet is the maximum gross floor area for Microfulfillments Centers.
2. **Parking.** In addition to complying with the parking requirements of Sec. 5.1, the operator of a Microfulfillment Center shall provide onsite parking spaces dedicated for deliveries in accordance with the following:
  - a. Microfulfillment Centers shall provide a minimum of two off-street parking stalls for the first 2,500 square feet of gross floor area and an additional one off-street parking stall for every additional 2,500 square feet of gross floor area. Fractions ending in 0.5 or higher shall round up to the nearest whole number.

Draft Zoning Definition (option 2)  
**Microfulfillment Centers**

**Attachment B**  
**Not Allowed in Village Centers**

- b. Sections 5.1.3.B and 5.1.3.D shall not be applicable to parking spaces required under this section 6.4.XX.B.2.
- 3. **Design Standards.** In the Business 4 and Mixed Use 1 and 2 Districts, the Microfulfillment Center use shall be allowed only when the use is:
  - a. Located more than 16 feet from the street-facing building facade; or
  - b. Any point of the building containing the use is located at least 30 feet from a street.