



Article 33: Zoning Bylaw Amendment
Section 4.5.4 - Restaurant
Section 4.7.1 - Prohibited Uses
Table IV - Parking

Planning Board Public Hearing

March 29, 2023

Concord Favorites



Proposed Bylaw Amendment

This proposal consists of two key parts:

- Remove the prohibition to fast-food restaurants (Sect. 4.7.1)
 - Add fast-food as a defined restaurant type (Sect. 4.5.4)
 - Revise parking requirement for smaller fast-food restaurants (Table IV)
- Add the term “drive-through” as a prohibited use (Sect. 4.7.1)

Proposed Bylaw Amendment

Remove the prohibition to fast-food restaurants and add drive-through under Section 4.7.1 Prohibited Uses: [...]

Drive-in or **drive-through** ~~fast-food~~ restaurants are expressly prohibited. A drive-in or **drive-through** ~~fast-food~~ restaurant is defined as any establishment whose ~~principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or other disposable containers; or (2)~~ **includes the** service of food and beverages directly to a customer in a motor vehicle.

Proposed Bylaw Amendment

Add fast-food restaurant as a third category under Section 4.5.4
Restaurant:

4.5.4. Restaurant:, ...or ***(3) a fast-food operation whose principal method of food service includes the sale of foods and beverages in paper or other disposable containers for consumption off-premises.***

Proposed Bylaw Amendment

Amend Table IV Minimum Parking to add a parking requirement for fast-food restaurant:

TABLE IV MINIMUM PARKING

Principal Use	Required Spaces
BUSINESS USES:	
Restaurant	One (1) space per three (3) seats rated capacity (excluding seasonal outdoor seating) <i>or one (1) space per three hundred (300) square feet of gross floor area, whichever is greater</i> , plus one (1) space per employee on the largest shift.

Background on Existing Fast-food Restaurant Prohibition

Prohibition on drive-through and fast-food restaurants as a primary use adopted in 1981. Explanation for the amendment was:

- Generate significantly more traffic than other types of commercial uses, creating congestion and safety hazards
- Connected with franchisers who promote standardized, highly recognizable building and sign designs
- Generate noise, smells, lights and litter
- Often attract loiterers and are “attractive nuisances”

Fast-food does not always mean Formula Business



What we have learned and changed since 1981 amendment:



Light Pollution
*Introduction of Lighting
Bylaw as part of Site Plan
review*



Drive-Through/Drive In
Will Still be Prohibited



Traffic Increases
*Studies show fast-food does
not generate more/less traffic
than sit down restaurants*



Loitering
*No evidence that existing
fast-food restaurants in
Concord attract loiterers*



Littering
*Mitigation from education
and bylaws*



Noise and Smell Pollution
*No evidence fast-food
restaurants in Concord
create more noise or smells*

Historically required for starting restaurant:

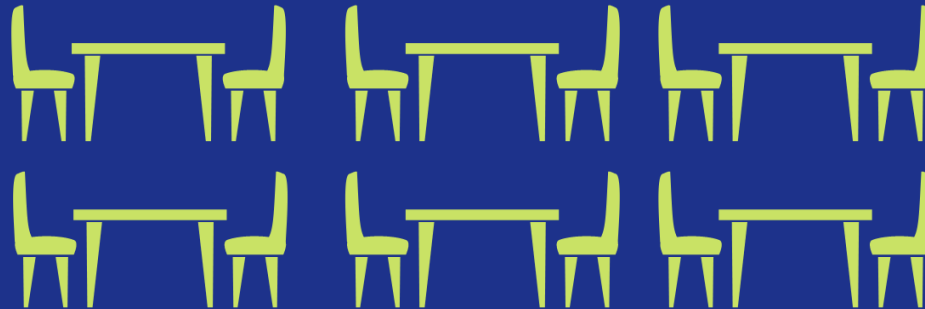
Sit Down Restaurant = 12+ seats

- Unisex handicapped bathroom
- Sewer Improvement Fee calculated pursuant to Title V

Any restaurant with 12-28 seats is 1,000 gallons/day and at \$40.07 a gallon per day, the Sewer Improvement Fee would be \$40,070.
- Minimum parking requirements (1 space per 3 seats)
- Additional requirements under State food and plumbing codes

Why amend the bylaw?

- Opportunity for smaller restaurants that can add to the economic vitality of the business districts
- Large financial burden to opening a restaurant (must have 12+ seats to not be considered a “fast food” restaurant)



The reality in Concord looks a little different





Article 33: Restaurant

Questions & Comments