



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

April 30, 2023

Mr. Bosdet moves that Town Meeting take affirmative action on Article 33 as printed in the Warrant.

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



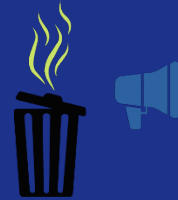
Traffic Increases
*Studies show fast-food does
not generate more/less traffic
than sit down restaurants*



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

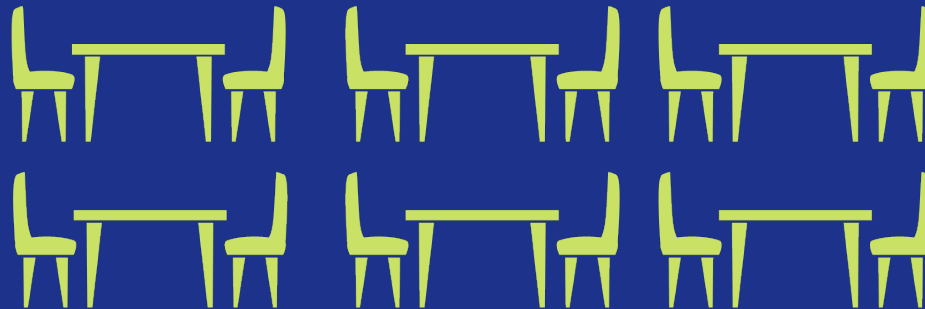
- Unisex handicapped bathroom
- Sewer Improvement Fee calculated pursuant to Title V

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



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