

FALL 2023 SPECIAL TOWN MEETING - ARTICLE XX, OFF STREET PARKING

To amend Section 5.1 Off Street Parking and Loading as follows:

Amend **Section 5.1.2 d) Restaurant** by deleting the words "2 persons seating capacity" and replacing it with the words "4 persons seating capacity".

FALL 2023 SPECIAL TOWN MEETING - ARTICLE XX, FOOD SERVICE ESTABLISHMENTS

1. Amend Section 1.4 Definitions and Abbreviations as follows:

A. By Deleting the following definitions in their entirety:

Catering Service - An establishment that prepares, serves, and supplies food in large quantities to be delivered and consumed off premises. Deliveries of food products occur on a regular basis.

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Restaurant - An establishment at which the principal activity is the preparation, service, and sales of food for consumption on the premises

Restaurant, Fast Food - An establishment whose primary business is the sale of food for consumption on the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; but not including drive-up windows

Restaurant, Take Out - An establishment whose primary business is the sale of food for consumption off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) which, because of the nature of the operation sells large volumes of food; (e) commonly generates a large volume of vehicular traffic, but not including drive-up windows

B. by adding the following definitions in alphabetical Order:

Catering Service - An establishment that prepares food for consumption at various locations. This establishment may or may not provide on-site consumption facilities.

Formula Based Establishment An Individual Retail or Consumer Service establishment that is required by virtue of a contract, franchise agreement, ownership or other similar legal obligation to conform or substantially conform to a set of common design and operating features that serve to identify the establishment as one of a group of establishments for business, marketing and public relations purposes. Specifically, an establishment shall be considered a Formula Based Business if it shares at least two (2) of the following three (3) characteristics with ten (10) or more other establishments worldwide regardless of ownership or location.

1. Trademark, service mark or logo, defined as a word, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
2. Standardized building architecture including but not limited to façade design and signage;
3. Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

Food Service Establishment - Any Restaurant or Catering Service place where food is prepared and intended for individual portion service. This includes the site at which individual portions are provided for consumption on or off the premises

Restaurant - An establishment whose primary business is the sale of food intended for consumption either on or off the premises, available upon a short waiting period. This category includes both traditional dine-in establishments as well as quick service and fast-casual models

2. Amend Section 3.3 Schedule of Use Regulations by DELETING the following ENTRIES under the heading “**BUSINESS**”

| USES | DISTRICTS | | | | | | | |
|--|------------|----|----|------|-------|--------|----|----|
| | SR-A,B,C,D | GR | AH | LB I | LB II | LB III | GB | PL |
| Catering Service ➤ Up to 10,000 square feet ➤ More than 10,000 square feet <i>Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting</i> | N | N | N | Y | Y | Y | N | N |
| Restaurants ➤ Up to 10,000 square feet ➤ More than 10,000 square feet <i>Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting</i> | N | N | N | Y | Y | SP | SP | N |
| Restaurant , Fast Food <i>Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting</i> | N | N | N | SP | SP | SP | SP | N |
| Restaurant, Take Out <i>Note S 3.3 was amended by Article 10 of the 2003 Special Town Meeting</i> | N | N | N | N | SP | SP | SP | N |

and insert the entries and permit status in its place

| USES | DISTRICTS | | | | | | | |
|----------------------------|------------|----|----|------|-------|--------|----|----|
| | SR-A,B,C,D | GR | AH | LB I | LB II | LB III | GB | PL |
| Food Service Establishment | N | N | N | Y | Y | Y | Y | N |

| | | | | | | | | |
|--|---|---|---|----|----|----|----|---|
| Formula Based Food Service Establishment See Section 6.13 | N | N | N | SP | SP | SP | SP | N |
|--|---|---|---|----|----|----|----|---|

4. Amend Section 6 Special Regulations by adding a new section 6.13 Formula Based Food Service Establishment to read as follows:

“Section 6.13 Special Permit Review for Formula Based Food Service Establishments

6.13.1 Purpose. The purpose and intent of the Formula Based Food Service Establishments regulation is to address the adverse impact of nationwide, standardized businesses on Belmont villages, historic and residential areas as well as gateways to the town. The proliferation of Formula Based Food Service Establishments will have a negative impact on the town’s economic diversity, historical relevance, unique character, walkability, and economic vitality. These uses are therefore restricted in order to maintain unique dining experiences in the designated areas. Formula Based Food Service Establishments frustrate this goal by detracting from the overall village experience, appearance, and character, Formula Based Food Service Establishments which are one (1) of ten (10) or more other businesses or establishments worldwide may alter their features in order to remove themselves from the Formula Based Business Definition.

6.13.2 Review Criteria. In areas where Formula Based Food Service Establishments are allowed by Special Permit, the Planning Board shall review the application and determine whether the plan meets the following objectives:

- a. Approval of the Formula Based Food Service Establishments will not alter the character of the Zone in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized offerings;
- b. Approval of the Formula Based Food Service Establishments will contribute to a diverse and appropriate blend of businesses in the Zone;
- c. Approval of the Formula Based Food Service Establishments will complement those businesses already in the Zone and help promote and foster the local economic base as a whole;
- d. The Formula Based Food Service Establishments will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the community's character and ambiance; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites;
- e. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Planning Board, the applicant may be required to submit a traffic study, prepared by a Registered Professional Engineer; approved by the board.
- f. There shall not be any adverse impacts to the roadway or abutting properties from the loading area;
- g. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial adverse impacts to abutting properties;
- h. No drive thru windows shall be permitted;
- i. Maximize pedestrian and vehicular safety both on the site and accessing and egressing from it;
- j. Minimize obstruction of scenic views from publicly accessible locations;
- k. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

- l. Minimize glare from headlights and lighting intrusion;
- m. Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping.”