

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.

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:

Food Service Establishment, Formula Based – A Food Service Establishment that conforms or substantially conforms 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, or public relations purposes. A Food Service Establishment shall be considered a Formula Based Food Service Establishment 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 establishment at which the principal activity is the preparation, service, and sales of prepared food intended for consumption on or off the premises, and regardless of whether the establishment provides facilities for on-site consumption. This definition includes restaurants and catering services, but excludes establishments serving customers through drive-up windows.

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 N	N N	Y SP	Y SP	Y SP	N N	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 N	N N	Y SP	Y SP	SP SP	SP SP	N 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 inserting the following ENTRIES in their 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
Food Service Establishment, Formula Based 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 standardized businesses on Belmont villages, commercial, and historic areas. Formula Based Food Service Establishments can detract from the overall village experience, appearance, and character, and the proliferation of Formula Based Food Service Establishments will have a negative impact on the town’s economic diversity, historical relevance, unique character, and economic vitality. These uses are therefore restricted in order to maintain the unique character of the zoning districts in which they are eligible to be located.

6.13.2 Review Criteria. The following shall be the basis for decisions on Special Permits to allow Formula Based Food Service Establishments:

- a. Approval of the Formula Based Food Service Establishment will not detract from the unique character of the District;
- b. Approval of the Formula Based Food Service Establishment will contribute to a diverse and balanced blend of businesses available to serve residents and visitors in the District;
- c. Approval of the Formula Based Food Service Establishment will complement those businesses already in the District and help promote and foster the local economic base as a whole; and
- d. The Formula Based Food Service Establishment will be compatible with existing surrounding uses, and has been designed and will be operated so as to preserve the area’s existing architecture and unique aesthetic experience.

6.13.3 Design and Site Plan Review required. Notwithstanding Section 7.3.2(c) of these By-Laws, Design and Site Plan Review under Section 7.3.2(a)-(b) shall be required for a Formula Based Food Service Establishment to the same extent as it would be for a non-formula-based Food Service Establishment.”

6.13.4 Adaptation of Characteristics. Any Formula Based Food Service Establishment may adapt its characteristics in consultation with the Inspector of Buildings so that the proposed use no longer meets the definition of Formula Based Food Service Establishment as defined in Section 1.4.

5. Conforming amendments.

A. Amend Section 1.4 Definitions and Abbreviations as follows:

By deleting the word “restaurant” from the definition of “Outdoor Seasonal Seating” and replacing it with the words “Food Service Establishment.”

B. Amend Section 5.1 Off Street Parking and Loading as follows:

By deleting the word “Restaurant” from Section 5.1.2 d) and replacing it with the words “Food Service Establishment.”

C. Amend Section 8.2.1 Uses Permitted in the Cushing Square Overlay District as follows:

By deleting the words “Restaurant up to 12,000 square feet, but not including fast food or take out restaurants” from **Section 8.3.2 A)(ii)** and replacing it with the words “Food Service Establishment up to 12,000 square feet.”

D. Amend Section 8.3.2 Parking Requirements as follows:

By deleting the word “Restaurant” from **Section 8.3.2 A)(ii)** and replacing it with the words “Food Service Establishment.”

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Article XX Off Street Parking

Amend Section 5.1 Off Street Parking and Loading as follows:

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

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