**Proposed Zoning Ordinance/Bylaw[[1]](#footnote-1)**

**Statement of Purpose**

WHEREAS, overweight and obesity in the United States has been described as a public health epidemic estimated to kill more than 350,000 people per year;[[2]](#footnote-2) and WHEREAS, nearly two-thirds of American adults aged 20 or older are either overweight or obese,[[3]](#footnote-3) with obesity being a risk factor for diseases such as diabetes, stroke, heart disease, high blood pressure, and certain cancers;[[4]](#footnote-4) WHEREAS, children who become obese are more likely to be obese adults, and obesity in children may predispose those children to adult diseases;[[5]](#footnote-5) WHEREAS, fast food establishments have significantly increased the size of their food portions over the past several decades to the extent that today’s french fries, hamburgers, and sodas are 2 to 55 times larger than original sizes and that the marketplace portions are considerably larger than federal standard serving sizes;[[6]](#footnote-6) WHEREAS, fast foods tend to be high in fat content and energy dense (meaning many calories per weight of the food);[[7]](#footnote-7) and WHEREAS, children who eat fast food compared to those who do not eat it consume more total energy, more total fat, more saturated fat, more total carbohydrates, more added sugars, more sugar-sweetened drinks, less fluid mild, less fiber, less fruits, and less nonstarchy vegetables;[[8]](#footnote-8) and WHEREAS, both zoning laws and public health laws are authorized by the commonwealth’s police powers to protect the health and safety of the public, the **[city/town]** of **\_\_\_\_\_\_\_\_\_\_\_\_\_** hereby enacts the following amendment to its **[zoning ordinance/bylaw]**.

**Definitions [chose the relevant definitions based of strategies adopted].**

*Fast food and drive-thru restaurants*: any establishments whose principal business is the sale of feeds 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) service of food and beverages directly to a customer in a motor vehicle.

*Formula business*: a type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which is under common ownership or control or is a franchise, and is one of ten or more other businesses or establishment worldwide maintaining two or more of the following features: (1) standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings; (2) trademark or service mark, defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs, that identifies and distinguishes the source of the goods from one party from those off others, on products or as part of store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices; (3) standardized color scheme used throughout the interior or exterior of the establishment, including but not limited to, graphics, awnings, signage, and the like visible from the exterior of the structure; (4) standardized interior décor, including, but not limited to, style of furniture, wall coverings, permanent fixtures, displays, window treatments; (5) standardized uniform, including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

**Restricted and prohibited uses**

**[Option One]**

Fast food restaurants and drive-thru restaurants are prohibited uses in the **[city/town]** of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

Formula businesses are prohibited uses in the **[city/town]** of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**[Option Two]**

Fast food restaurant and drive-thru restaurants are limited to the Central Business District in the **[city/town]** of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

Formula businesses are limited to the Central Business District in the **[city/town]** of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**[Option Three]**

A minimum distance of five hundred (500) feet shall exist between the subject site of a fast food or drive-thru restaurant and the nearest point of an elementary, middle or high school.

1. This is proposed language that could be used to amend an existing zoning ordinance or bylaw. Your city or town attorney should review and proposed language. This is provided for educational purposes only. [↑](#footnote-ref-1)
2. Mokdad AH, Marks JS, Stroup DF, Gerberding JL. Actual causes of death in the United States, 2000, JAMA 2005; 293(3); 293. [↑](#footnote-ref-2)
3. Hedley AA, Ogden CL, Johnson CL, Carrol MD, Curtin LR, Flegal KM. Prevalence of overweight and obesity among US children, adolescents and adults, 1999-2002, *JAMA* 2004;291(23):2847-2850. [↑](#footnote-ref-3)
4. Visscher TL, Seidell JC. The public health impact of obesity. *Annual Review of Public Health* 2001;22:355-75; Flegal KM, Carroll MD, Ogden CL, Johnson DL. Prevalence and trends in obesity among US adults, 1999-2000. *JAMA* 2002;288(14):1723-1727. [↑](#footnote-ref-4)
5. Hill JO, Trowbridge FL. Childhood obesity: future directions and research priorities, *Pediatrics* 1998;101:S570-S574. [↑](#footnote-ref-5)
6. Young LR, Nestle M. The contribution of expanding portion sizes to the US Obesity Epidemic. *American Journal of Public Health* 2002; 92(2):246-249. [↑](#footnote-ref-6)
7. Prentice AM, Jebb SA. Fast foods, energy density and obesity; a possible mechanistic link. *Obesity Reviews* 2003;4(4);187-194. [↑](#footnote-ref-7)
8. Morland K, Wing S, Diez Roux A. The contextual effect of the local food environment on residents’ diets: the atherosclerosis risk in communities study. *American Journal of Public Health* 2002;92(11):1761-1767. [↑](#footnote-ref-8)