



PLANNING & ZONING TO ENCOURAGE LOCAL FOOD ENTERPRISE

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INTRODUCTIONS



Megan A. Masson-Minock, AICP

15 years as urban planning consultant

Rural, suburban & urban municipal & non-profit clients

Specialty in food systems since 2008

Contributor to Michigan Association of Planning's Food System Policy

Advisor to Michigan Food Hub Learning and Innovation Network on planning & zoning issues

Co-facilitator of Michigan Local Food Council Network





INTRODUCTIONS

Share name and your role:

- Elected official
- Municipal planner
- Economic development professional
- Food processor
- Food retailer
- Planning consultant
- Other



SEMINAR OUTLINE

What is zoning?

Innovative zoning techniques


When the zoning is not working

Resources



WHAT IS ZONING?

WHAT IS ZONING?



The legal basis for all land use regulation is the police power of the city to protect the public **health, safety,** and **welfare** of its residents.

A land use regulation lies within the police power if it is reasonably related to the public welfare.

Legal Framework

Michigan Planning Act

Michigan Zoning Enabling Act

Case Law from:

U.S. Supreme Court Cases

Michigan Supreme Court

Local law suits

WHAT IS ZONING?

During the 1920s, the authority of cities to control zoning arose from a need to control the location and proximity of uses

- Need to control abuses of uncontrolled private development
- Euclidian zoning separated land uses, resulted in inability to walk to neighborhood grocery, need to drive almost every where
- Division of city into districts with regulation within each district

ZONING STARTS WITH PLANNING

Every community must have a master plan

Community engagement is foundational to local planning

A vision for a community and plan for its future

Goals and objectives

Implemented through zoning and other regulatory and programmatic efforts

How to plan for food:

Food businesses, experts and stakeholders are involved

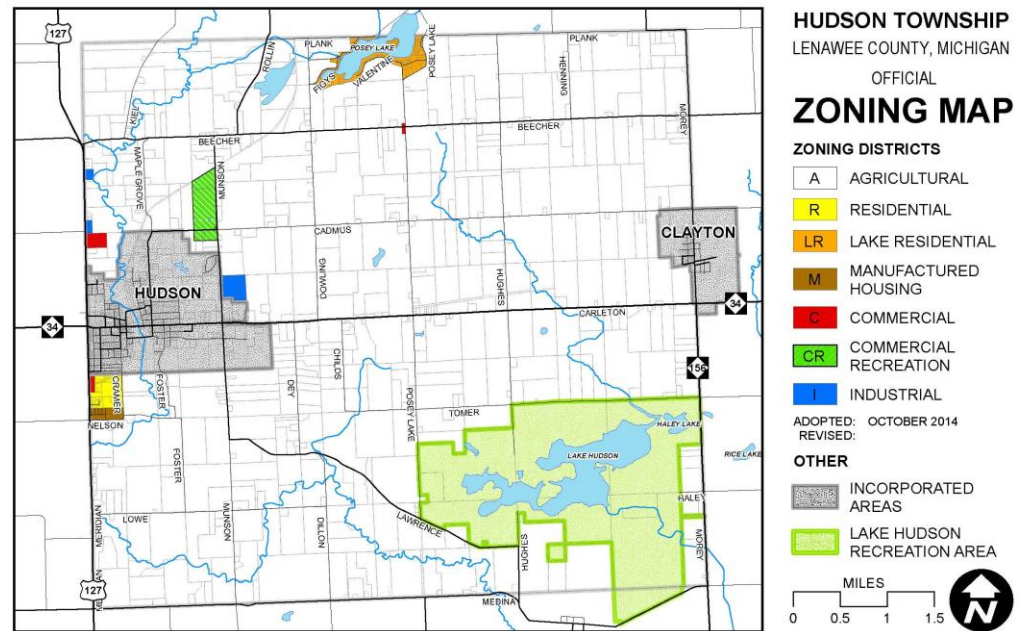
Existing Land Use analysis identifies vacant parcels, soils, buildings suitable for food businesses, & food access opportunities

Environmental scan looks at gaps of small, medium and large scale businesses in all parts of the local food system

WHAT IS A ZONING ORDINANCE?

Where and What

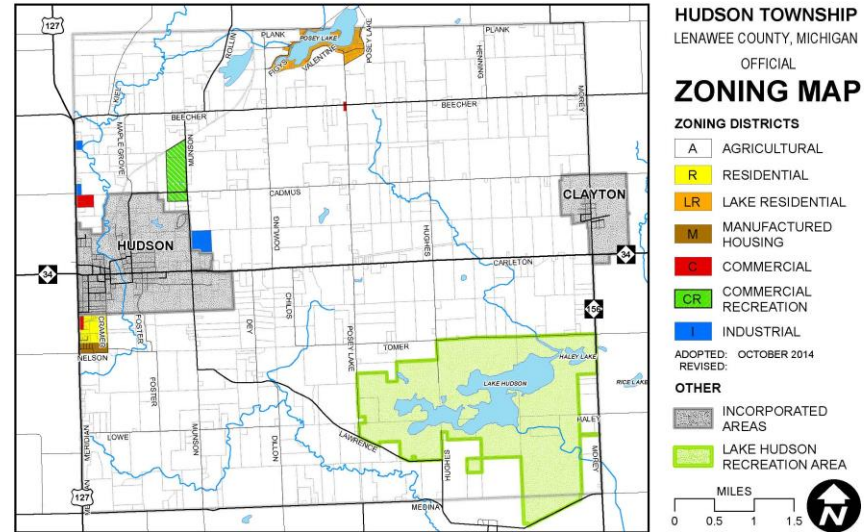
- Zoning Districts
Certain uses,
certain places,
certain shapes
- General
Regulation
Environmental
Protection, Signs,
Noise
Regulations



WHAT IS A ZONING ORDINANCE?

Where and What

- Zoning Districts
Certain uses, certain places, certain shapes
- General Regulation
Environmental Protection, Signs, Noise Regulations



Purpose:

Make sure everyone is a good neighbor
Make sure no one is a nuisance or a danger to health

USE BASED ZONING

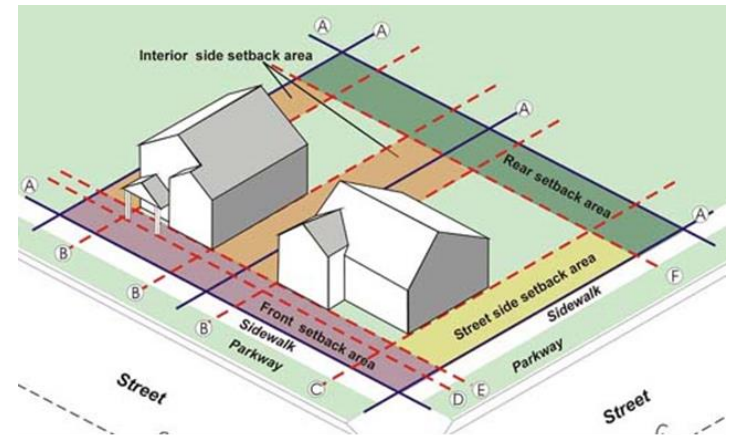
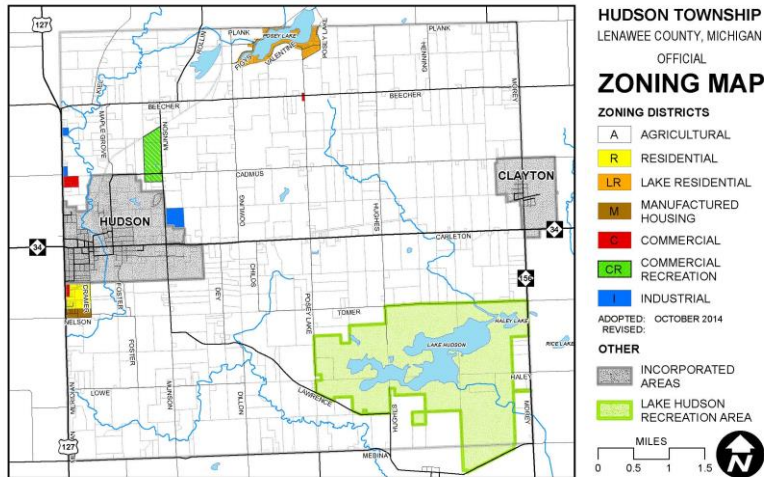


Image from Ontario, CA Public Information
Accessed at www.ci.ontario.ca.us/index.cfm/22615/2718

Lot and building regulations are the same throughout each district.

Every building in the yellow areas on the map on the left, has to follow the regulations shown in the diagram on the right.

FORM BASED ORDINANCE

ES ESTATE

A building lot based and designed to accommodate a large detached building with large side, rear and front yards.

Lot Measurements	Lot Area	Depth
1. Lot Area (sq ft)	100	100
2. Lot Depth (ft)	100	100
3. Lot Width (ft)	100	100
4. Lot Coverage (%)	100	100

HS HOUSE

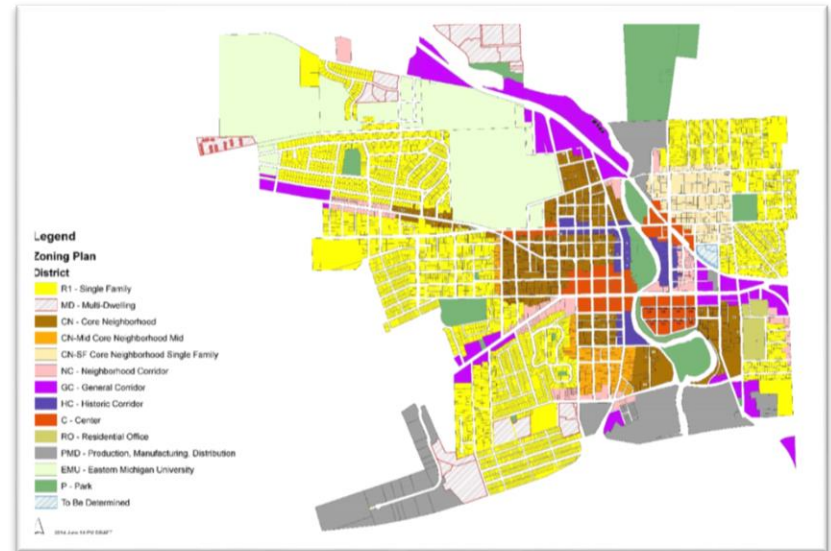
A building lot based and designed to accommodate a detached building with small side yards and a large front yard.

Lot Measurements	Lot Area	Depth
1. Lot Area (sq ft)	50	50
2. Lot Depth (ft)	50	50
3. Lot Width (ft)	50	50
4. Lot Coverage (%)	50	50

MA MANSION

A building lot based and designed to accommodate a very large detached building with large side, rear yards and front yards. The building type is only permitted by the Planning Commission.

Lot Measurements	Lot Area	Depth
1. Lot Area (sq ft)	200	200
2. Lot Depth (ft)	200	200
3. Lot Width (ft)	200	200
4. Lot Coverage (%)	200	200



Lot and building regulations differ by building type.

In the brown areas on the map on the right, one of the three types of regulations shown apply based on building type.

INDUSTRIAL

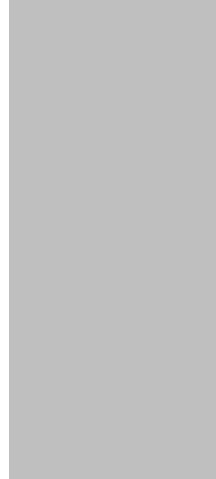
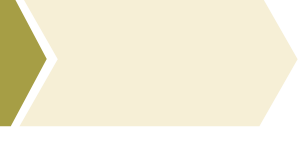


Photo from <http://www.jiffymix.com/index.php/history/>



Photo from http://www.evansdist.com/warehousing_and_distribution.aspx

Processing

Aggregation

Warehousing

Transportation

Waste management

COMMERCIAL



Photo by Madalyn Ruggiero/MCT in TheRecord.com

Sales

Retail

Restaurants

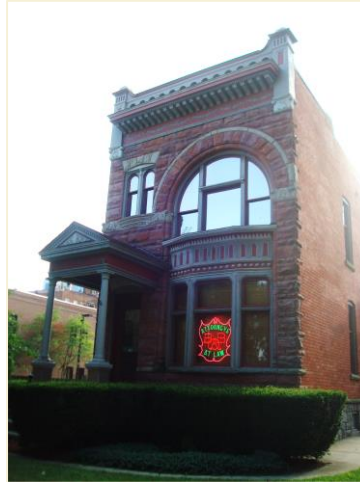
Distribution

Consumption



Photo from <http://upnorthfoodies.com/farmersmarkets/>

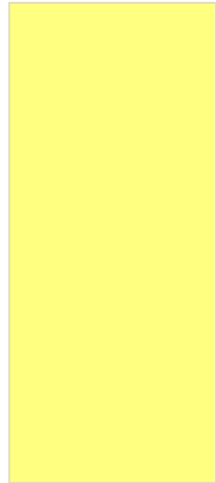
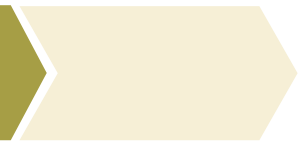
OFFICE



Administration of food businesses for growing, processing, distribution and sales



RESIDENTIAL

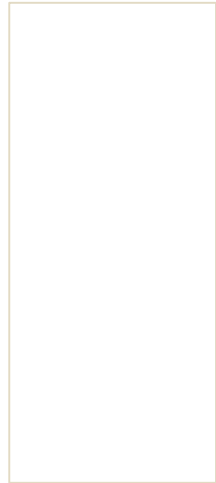


Growing

Processing

Consumption

AGRICULTURE



- Growing
- Processing
- Aggregation
- Warehousing
- Transportation
- Consumption
- Waste management

Photo from <http://www.dextersfarm.com>

ZONING BUILT FOR BIG FOOD



Photo from <http://www.photocastmedia.com/stock/>



Photo from http://www.evansdist.com/warehousing_and_distribution.aspx



Photo by Madalyn Ruggiero/MCT in TheRecord.com



Regulations assume every business is big.

New and growing businesses have a difficult time finding affordable space.

DIFFERENT SCALES

Large

Medium

Small

Production



Processing



Distribution





INNOVATIVE ZONING TECHNIQUES

ZONING STARTS WITH PLANNING

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A vision for a community and plan for its future

Goals and objectives

Implemented through zoning and other regulatory and programmatic efforts

How to plan for food:

Food businesses, experts and stakeholders are involved

Existing Land Use analysis identifies vacant parcels, soils, buildings suitable for food businesses, & food access opportunities

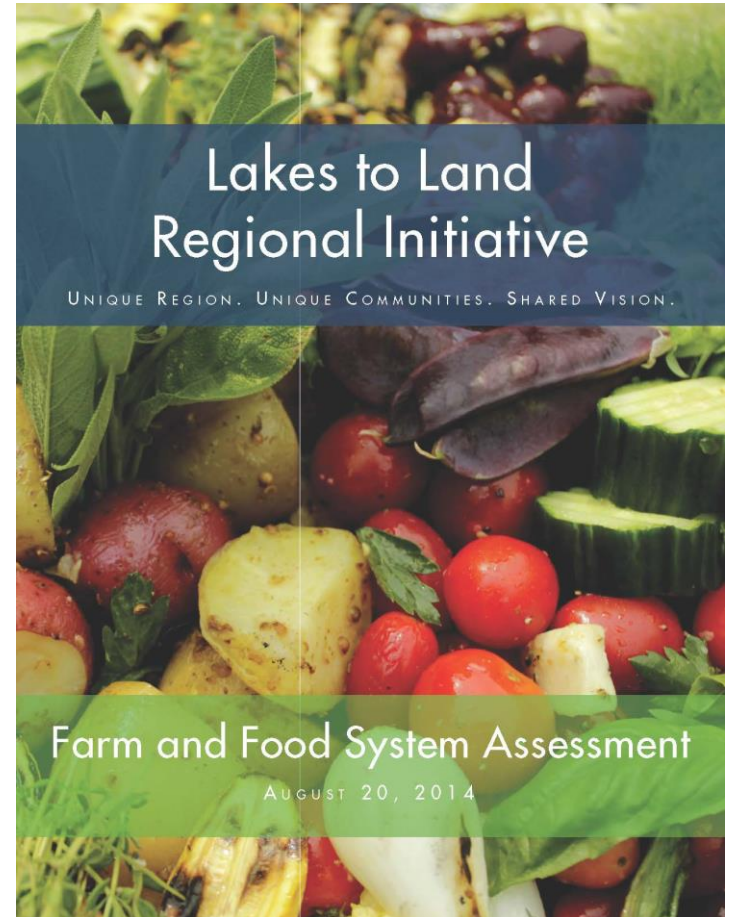
Environmental scan looks at gaps of small, medium and large scale businesses in all parts of the local food system

LAKES TO LAND REGIONAL INITIATIVE

9 Community Master Plans

Central role for agriculture and local food

Winner of Michigan Association of Planning 2015 Award for Best Master Plan



DISCUSSION

Does your zoning allow for all parts of the food system for small, medium and large operations?

ALLOW COMMERCIAL KITCHEN SPACE IN AGRICULTURAL ZONE



Administrative review in Agricultural District for:

- 2,500 sq. ft. or less of agricultural processing & structures
- 5,000 sq. ft. or less of agricultural food storage
- 5,000 sq. ft. or less for a commercial kitchen re-using existing buildings
- Farm market/farm stand 2,500 sq. ft. or less



FOOD PROCESSING OUTSIDE OF INDUSTRIAL



Food processing allowed in retail store when 50% of product sold on-site



Special Land Use in Business Districts:

- Caterers
- Manufacture of food products
- Brewing
- Distilling



Permitted Use Manufacturing Districts:

- Caterers
- All food manufacturing
- Brewing & distilling



FOOD PROCESSING OUTSIDE OF INDUSTRIAL



Hint: Set limits so size and scale of business fit with the district

Limits:

- Size by square footage
- Hours of operation
- Volume of product (link to state licensing)

Hint: Make uses that might be acceptable under certain circumstances special uses

Special Use:

- Extra layer of scrutiny
- Public hearing required



UPDATE FOOD USES & REGULATIONS

Food Carts/Food Trucks

A motorized or non-motorized vehicle equipped to sell or cook and sell food.

Resources:

“Eating on the Go: Mobile Food Trucks”

Chapter 9 of Municipal Zoning for Local Foods in Iowa

Food Carts in Ann Arbor



Image from annarbor.com

Food Truck at Eastern Market



Image from FoodLab Detroit



UPDATE FOOD USES & REGULATIONS

Food Hubs

“A regional food hub is a business or organization that actively manages the aggregation, distribution, and marketing of source-identified food products primarily from local and regional producers to strengthen their ability to satisfy wholesale, retail, and institutional demand.”

-From the USDA Regional Food Hub Resource Guide



UPDATE FOOD USES & REGULATIONS

Commercial Kitchen

A facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.

Food Incubator Kitchens

A facility licensed as a food manufacturer that is used by a business incubator dedicated to food-based businesses.

ESTABLISH FOOD BUSINESS DISTRICTS

Co-location and collaboration of different food businesses

Fosters hubs of activity

Spurs business growth

Opportunity for urban destination and agri-tourism

Need designation and planning

Resource: Food Innovation Districts: An Economic Gardening Tool



Detroit's Eastern Market



WHEN ZONING IS NOT WORKING



HELPFUL HINTS

Changing zoning take months, maybe more than a year

If it is in the Master Plan, zoning changes are much easier

Respectful relationships help

Ask “what if” and then decide next steps

Resource: [Zoning Lessons Regarding Food Hubs](#)



THE SITE IS THE WRONG COLOR

Work with municipality's planning department:

- Describe what could be done on the site
- Give them the address of the site
- Ask what approval process is possible

HINT:

Ask if a Planned Unit Development (PUD) is an option

THE SITE IS THE WRONG COLOR

Options

Use variance (1-3 months):

- Few municipalities allow use variances
- Ask an appointed body for an exception to the rules

Rezoning (6-12 months):

- Change the color of the site on the map
- Can be a conditional rezoning, which can limit or sunset uses. It is the applicant's choice to ask for a conditional rezoning

PUD (6-12 months):

- Negotiated agreement with municipal elected board

USE IS NOT LISTED IN THE ZONING ORDINANCE

Work with municipality's planning department:

- Describe what could be done on the site
- Give them the address of the site
- Ask what approval process is possible

HINT:

Every Zoning Ordinance should designate a process for when a use is not listed

USE IS NOT LISTED IN THE ZONING ORDINANCE

Options

Interpretation (1-3 months):

- The body responsible may vary
- Find a use similar to yours at the same scale

Zoning text amendment (6-12 months +):

- Change the text of the zoning
- Can be a tailored to your request
- Municipality may initiate the process

PUD (6-12 months +):

- Negotiated agreement with municipal elected board



WHEN OFFICIALS HESITATE...

Know what they are concerned about:

- Increased traffic
- Changing the character of an area
- Noise
- Odor
- Waste disposal
- Public opposition

WHEN OFFICIALS HESITATE

What you can do:

- If the public is invited, bring your supporters!
- Give examples with photographs, preferably from your state or region

Great resource database at Food Policy Networks at Johns Hopkins Center for a Livable Future



WHEN OFFICIALS HESITATE

Grocery stores have processing, distribution & consumption

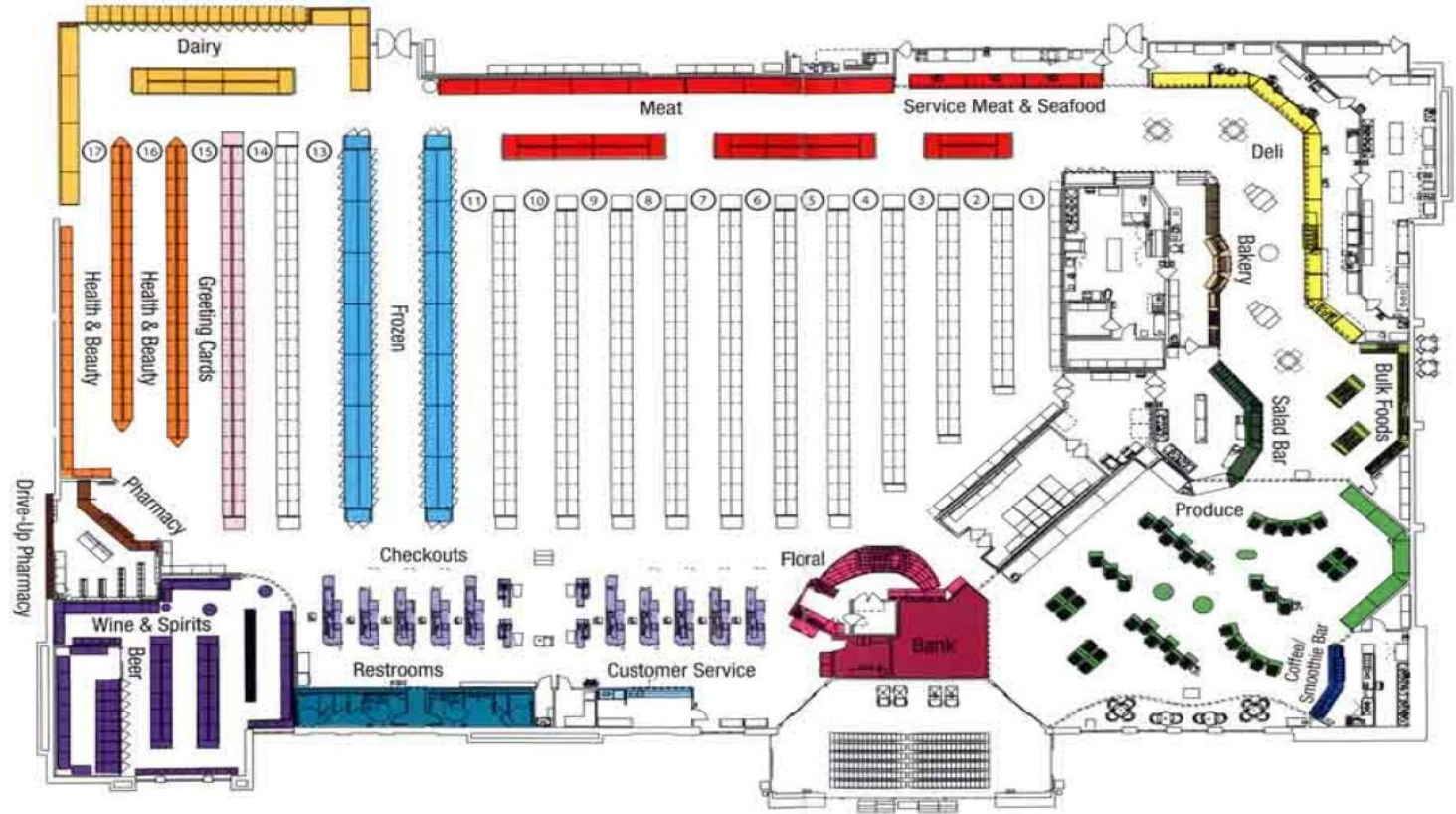
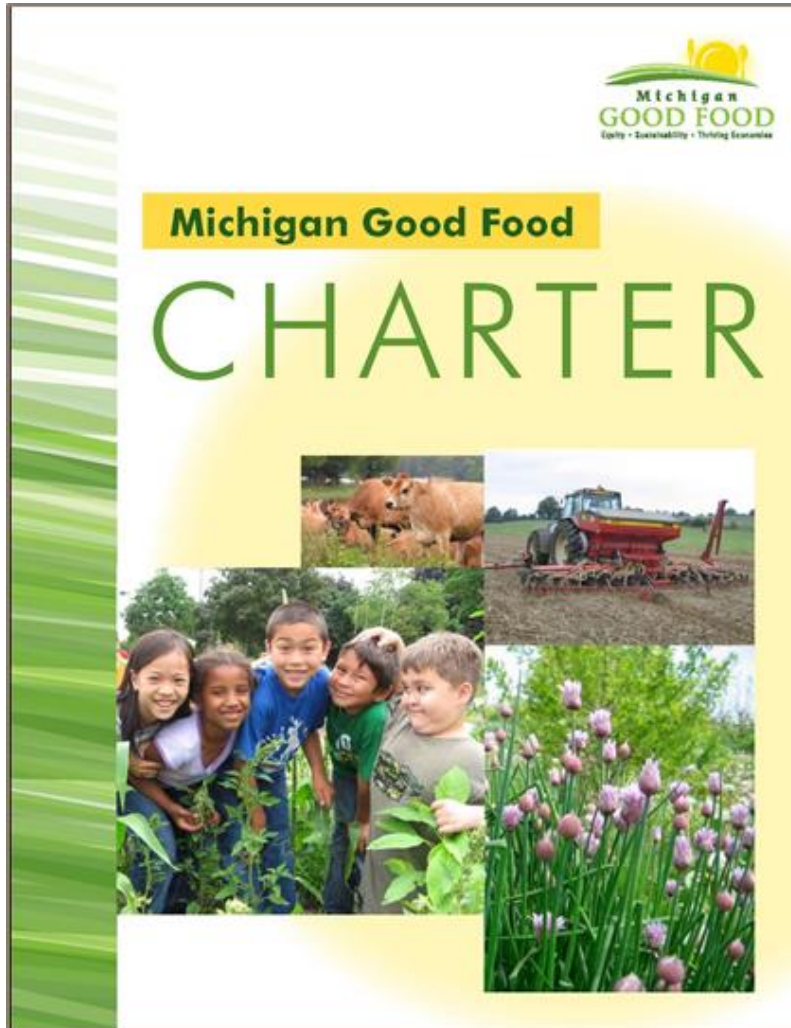


Image from <http://www.hotelkiya.com/size/1280x720/content-upload/2015/08/08/grocery-store-floor-plans-small-grocery-store-floor-plan-77ced5aad1a2f1c6.jpg>



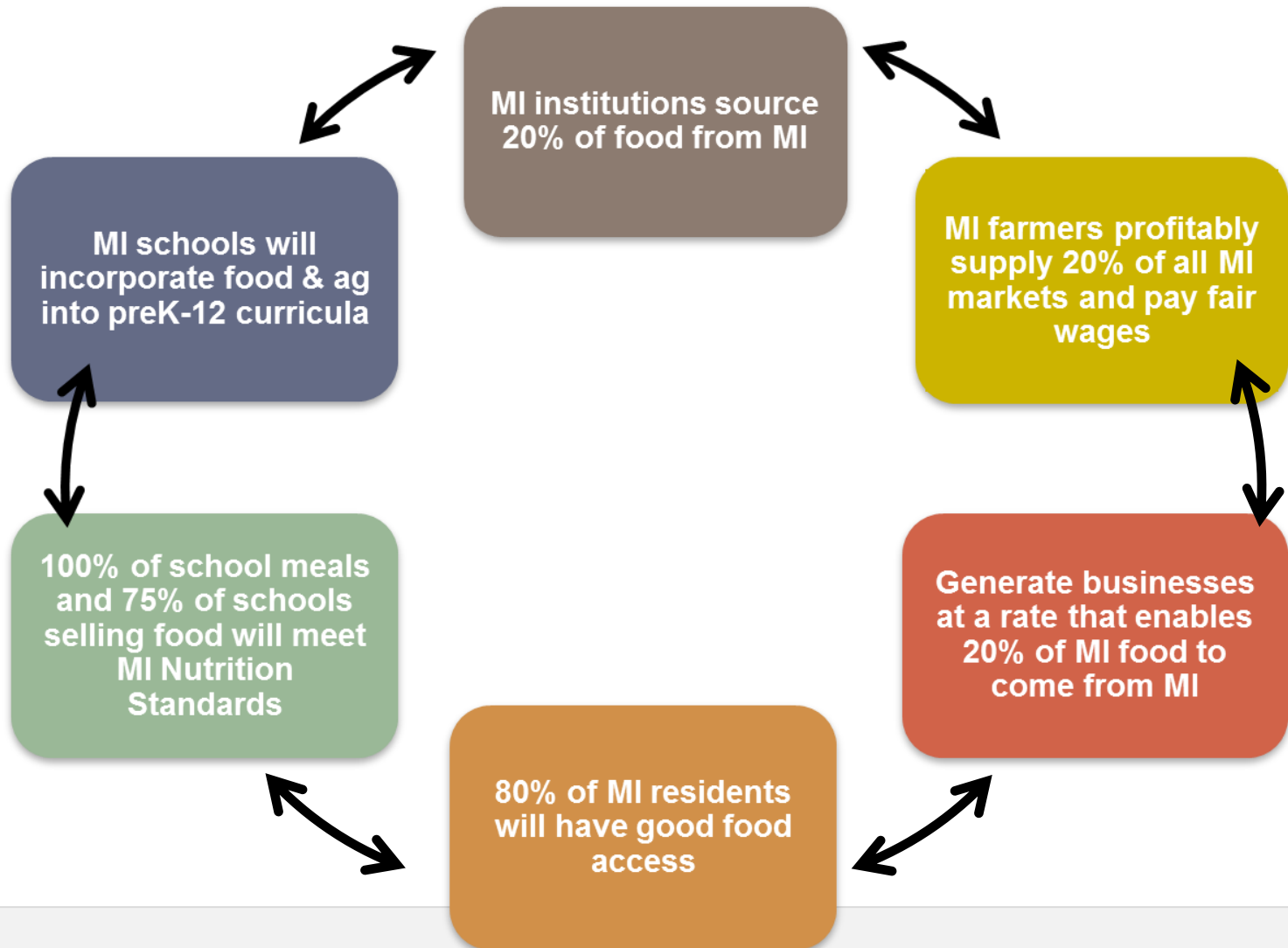
RESOURCES

MICHIGANFOOD.ORG



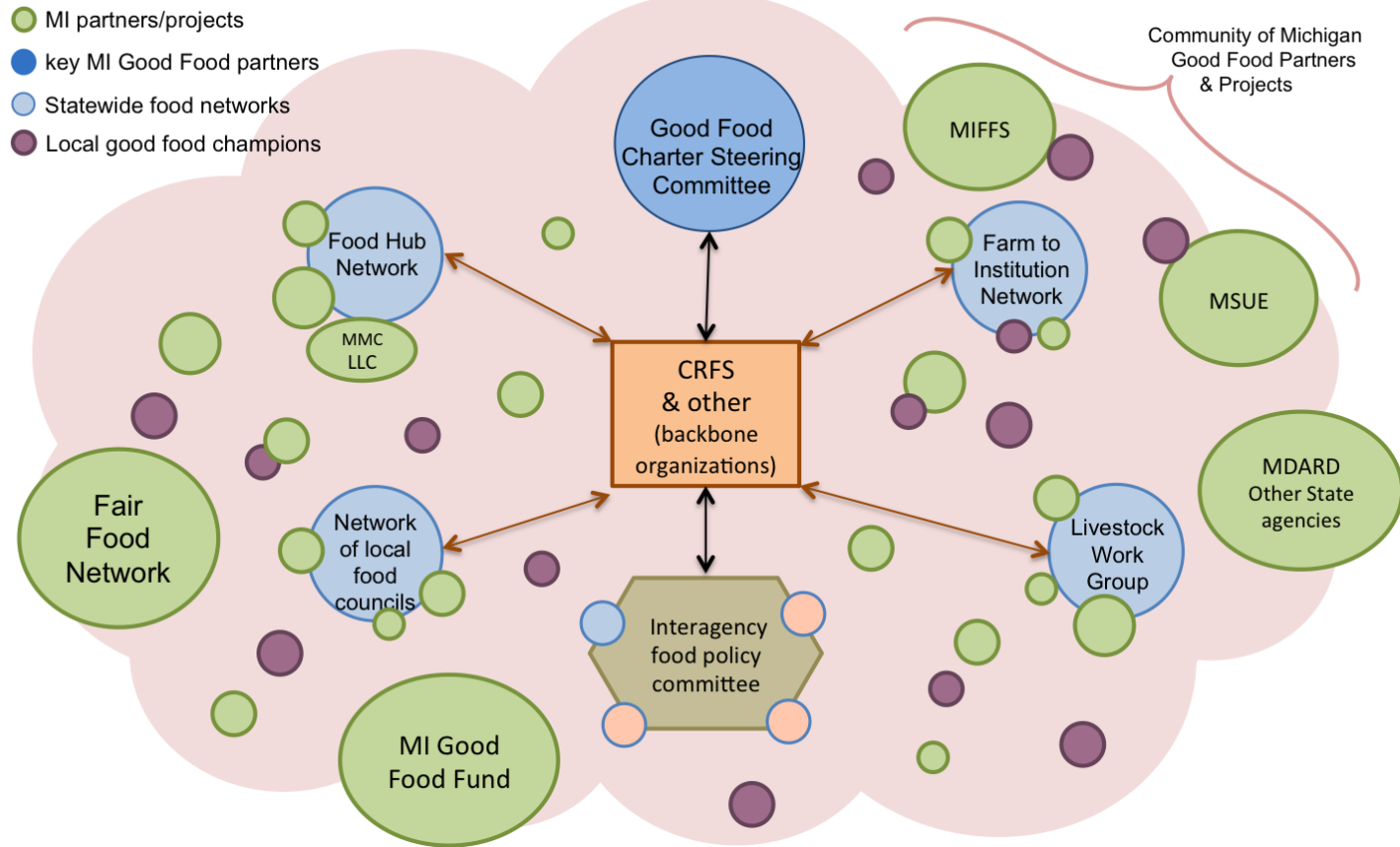
Michigan Good Food Summit
Friday, October 28 in Lansing

SIX GOALS FOR 2020



MICHIGAN FOOD SYSTEMS PARTNERSHIP ECOSYSTEM

A network of networks, projects & organizations to increase food system equity, opportunity, and access



CRFS'S GOOD FOOD INITIATIVE

Strategies and Investments

Network of Networks

- Michigan Farm to Institution Network
- Michigan Food Hub Network
- Local Food Council Network
- Michigan Meat Network

Shared Measurement

- Tools
- Trainings
- Pilots
- Cultivate Michigan

Regranting, Technical Assistance and Education

- MI Farm to School Grant Program
- Hoophouses for Health
- Michigan Good Food Fund
- Beginning Farmer Training

MICHIGAN GOOD FOOD FUND



A public-private partnership **loan fund** that provides **financing & business assistance** to good food enterprises that benefit underserved communities across Michigan.

Fund Size

\$30 Million

Uses of Capital

Loans

Capitalization

Debts and Grants

Program Eligibility

Healthy food production, distribution, processing, and retail projects that benefit underserved communities throughout Michigan

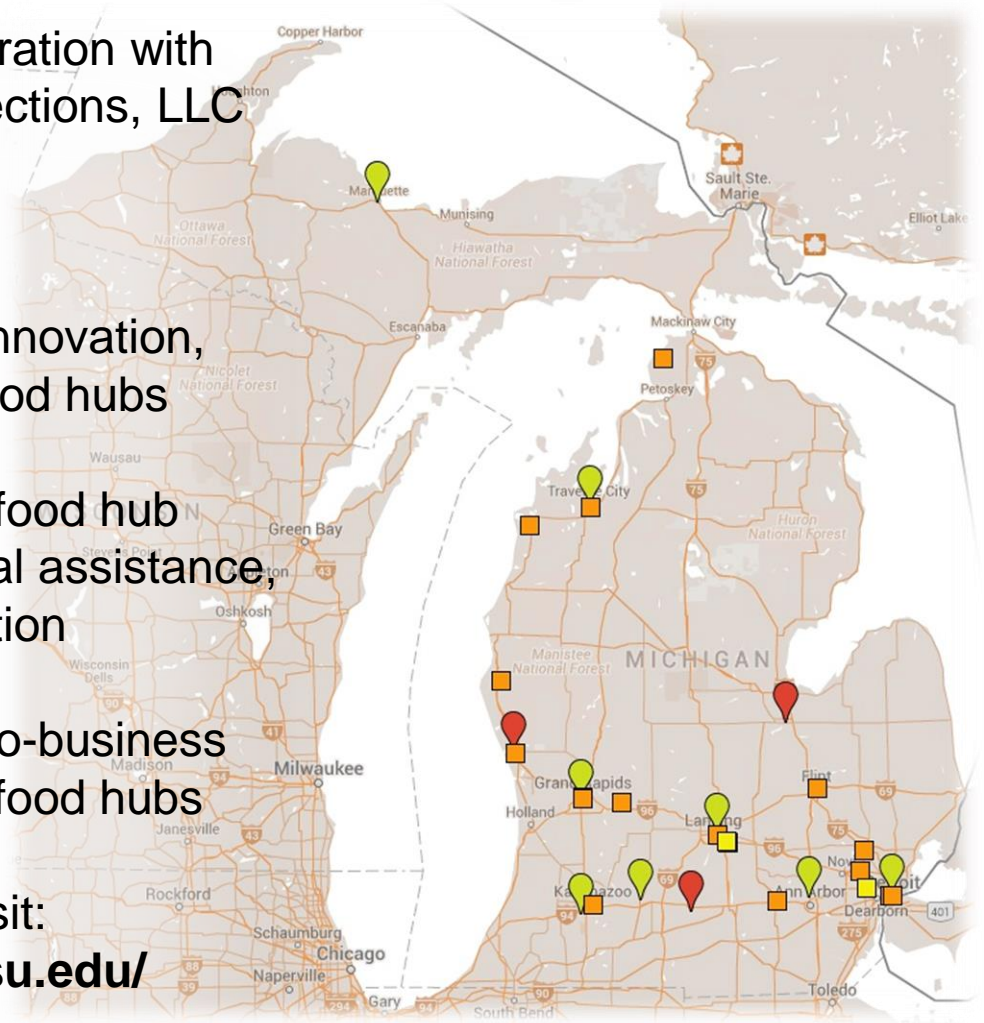
MICHIGAN FOOD HUB NETWORK

Led by CRFS in collaboration with Morse Marketing Connections, LLC

The Network facilitates:

- Increased learning, innovation, and profitability for food hubs
- Increased access to food hub financial and technical assistance, research, and education
- Increased business-to-business collaboration across food hubs

For more information visit:
<http://foodsystems.msu.edu/>





Michigan Local Food Council Network

- Provide a space for local councils to network with one another
- Connect local councils to statewide policy information, issues, and actions
- Assist local councils in building capacity
- Provide hands-on training to local food councils
- Connect local policy information, issues, and actions to other parts of the state
- Connect local councils to national policy information, issues, and actions

LOCAL FOOD COUNCILS PARTICIPATING

Council Name	Location
Ottawa County Food Council *	Holland, MI
Good Food Kalamazoo	Kalamazoo, MI
Genesee Food For Change*	Flint, MI
Local Food Alliance of Northern Michigan*	Emmet County, MI
UP Food Exchange	Marquette, MI and Sault Ste Marie, MI
Eaton Good Food	Charlotte, MI
Mid Michigan Food Systems Workgroup*	Lansing, MI
Washtenaw Food Policy Council*	Ann Arbor, MI
Oakland Livingston Hunger Council*	Howell, MI
Macomb Food Systems Collaborative Council*	Clinton Township, MI
Good Food Battle Creek*	Battle Creek, MI
Detroit Food Policy Council*	Detroit, MI
Greater Grand Rapids Food Systems Council*	Grand Rapids, MI
NW MI Food and Farming Network	Traverse City, MI
Lake County Community Food Council*	Lake County, MI
Healthy Muskegon Network*	Muskegon, MI

* Councils that have participated in meetings either in-person or on-line

WEBLINKS TO RESOURCES

Lakes to Land Initiative: Farm & Food Assessment

<http://www.lakestoland.bria2.net/farm-and-food-system>

“Eating on the Go: Mobile Food Trucks”

<http://plannersweb.com/2012/01/eating-on-the-go-mobile-food-trucks/>

Municipal Zoning for Local Foods in Iowa

<https://www.leopold.iastate.edu/sites/default/files/pubs-and-papers/2015-09-municipal-zoning-local-foods-iowa.pdf>

Food Innovation Districts: An Economic Gardening Tool

<http://foodsystems.msu.edu/resources/fid-guide>

Zoning Lessons Regarding Food Hubs

<http://foodsystems.msu.edu/resources/fh-zoning>

Food Policy Resource Database

<http://www.foodpolicynetworks.org/food-policy-resources/>

MSU Center for Regional Food Systems

<http://foodsystems.msu.edu/>

Michigan Good Food Charter

<http://www.michiganfood.org/>



QUESTIONS



THANK YOU!

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