PLANNING & ZONING TO ENCOURAGE LOCAL FOOD ENTERPRISE

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INTRODUCTIONS

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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
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.
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

Processing
Aggregation
Warehousing
Transportation
Waste management
COMMERCIAL

Sales
Retail
Restaurants
Distribution
Consumption

Photo by Madalyn Ruggerio/MCT in TheRecord.com

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

Regulations assume every business is big.

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

Production

Large

Medium

Small

Processing

Distribution
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MSU Center for Regional Food Systems  @MSUCRFS
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
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

RESOURCES
Michigan Good Food Summit
Friday, October 28 in Lansing
SIX GOALS FOR 2020

- MI institutions source 20% of food from MI
- MI farmers profitably supply 20% of all MI markets and pay fair wages
- Generate businesses at a rate that enables 20% of MI food to come from MI
- 80% of MI residents will have good food access
- 100% of school meals and 75% of schools selling food will meet MI Nutrition Standards
- MI schools will incorporate food & ag into preK-12 curricula
MICHIGAN FOOD SYSTEMS PARTNERSHIP ECOSYSTEM

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

- MI partners/projects
- Key MI Good Food partners
- Statewide food networks
- Local good food champions

CRFS & other (backbone organizations)

Food Hub Network
Network of local food councils

MI Good Food Fund

@MSUCRFS
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.

<table>
<thead>
<tr>
<th><strong>Fund Size</strong></th>
<th>$30 Million</th>
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</thead>
<tbody>
<tr>
<td><strong>Uses of Capital</strong></td>
<td>Loans</td>
</tr>
<tr>
<td><strong>Capitalization</strong></td>
<td>Debts and Grants</td>
</tr>
<tr>
<td><strong>Program Eligibility</strong></td>
<td>Healthy food production, distribution, processing, and retail projects that benefit underserved communities throughout Michigan</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Council Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>Ottawa County Food Council *</td>
<td>Holland, MI</td>
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<tr>
<td>Good Food Kalamazoo</td>
<td>Kalamazoo, MI</td>
</tr>
<tr>
<td>Genesee Food For Change*</td>
<td>Flint, MI</td>
</tr>
<tr>
<td>Local Food Alliance of Northern Michigan*</td>
<td>Emmet County, MI</td>
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<tr>
<td>UP Food Exchange</td>
<td>Marquette, MI and Sault Ste Marie, MI</td>
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<td>Eaton Good Food</td>
<td>Charlotte, MI</td>
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<td>Mid Michigan Food Systems Workgroup*</td>
<td>Lansing, MI</td>
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<td>Washtenaw Food Policy Council*</td>
<td>Ann Arbor, MI</td>
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<tr>
<td>Oakland Livingston Hunger Council*</td>
<td>Howell, MI</td>
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<tr>
<td>Macomb Food Systems Collaborative Council*</td>
<td>Clinton Township, MI</td>
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<tr>
<td>Good Food Battle Creek*</td>
<td>Battle Creek, MI</td>
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<td>Detroit Food Policy Council*</td>
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<tr>
<td>Greater Grand Rapids Food Systems Council*</td>
<td>Grand Rapids, MI</td>
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<tr>
<td>NW MI Food and Farming Network</td>
<td>Traverse City, MI</td>
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<tr>
<td>Lake County Community Food Council*</td>
<td>Lake County, MI</td>
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<tr>
<td>Healthy Muskegon Network*</td>
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* Councils that have participated in meetings either in-person or on-line
### WEBLINKS TO RESOURCES

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QUESTIONS
THANK YOU!

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