



ZONING LESSONS LEARNED REGARDING FOOD HUBS

MICHIGAN FOOD HUB LEARNING AND INNOVATION NETWORK
MEGAN A. MASSON-MINOCK, CONSULTANT
JUNE 2013

The following “lessons” are based on several zoning discussions that ensued when starting food hubs in Battle Creek and Washtenaw County. Throughout the document, key zoning terms will be highlighted. Food hub zoning lessons learned in Battle Creek and Washtenaw County will inform others in the process of starting a food hub in the state of Michigan. It is important to note that, in Battle Creek and Washtenaw County, the food hub organizations had acquired a site and were seeking zoning approvals or changes.

FINDING A SITE

If you are in the process of identifying a site for a food hub, most land that is zoned as industrial will likely meet your needs, unless you intend to have a direct marketing component or public gatherings. In those cases, a site zoned as commercial will be a better option.

ADD “REAL ESTATE DEVELOPER” TO THE ROLES YOU PLAY

If you or your organization are building a new structure or changing an existing building to be a food hub, you now can add real estate developer to the other roles of farmer, food advocate, and agribusiness professional that you may play. If this is a new area for you, expect to have a learning curve with jargon, municipal regulations, and slow progress on actions. Bringing in a person with real estate development experience, either paid or as a volunteer, will help.

ASK YOUR MUNICIPALITY FOR ADVICE, THEN ASK FOR PERMISSION

Most *zoning ordinances* – the local laws that govern what type of activity is allowed on a parcel of land

and where buildings are located – do not specifically allow for food hubs like they do grocery stores or warehouses. However, the zoning ordinance likely allows for the uses planned for your food hub, such as warehousing, processing and wholesale or retail sales.

Before you start construction of any kind, contact your municipality and ask to speak with the department that administrates the zoning ordinance, most likely the *Planning Department*. Then, sit down with the appropriate municipal staff member to discuss the process for approval of your plans, short-term and long-term. Municipal staff pride themselves on good customer service and will be helpful. Inform elected or appointed officials who support the food hub of your plans but do not depend on their influence to skip steps or reduce time needed in the approval process.

EXPECT TO FILE PERMITS, PAY FEES, CONSULT PROFESSIONALS, AND WAIT

If the site for the food hub is appropriately zoned and interior changes are proposed, you may need only a *building permit*, a relatively short, inexpensive process where the building official verifies that your plans have met the standards in the *building code*. If you plan to host public gatherings at your food hub on a regular basis, the *assembly* provisions of the building code will then apply and that area will need fire suppression – for large spaces you will need to install a sprinkler system, for smaller areas you will need fire extinguishers.

If you are moving any exterior walls or planning new construction, you will most likely need to file a *site plan*, which can be a longer process where municipal staff or an appointed body reviews your



plans for compliance with *zoning* and *other municipal ordinances*. Usually, site plan drawings must be sealed by a registered professional and contain a long list of items and calculations. Filing and professional fees for site plans usually cost thousands of dollars. A good rule of thumb is to budget 10% to 20% of your construction costs for fees and production of documents. If you are planning on a \$200,000 project, expect at least \$20,000 for zoning approval costs. Your project also may be zoned as a *special land use* or *conditional land use*, in which case state law requires a public hearing. Additional application fees and materials will likely be required. At the hearing, get as many people as possible to come and speak in favor of your project.

Some municipalities allow *sketch plans* (unsealed drawings), or *waivers of site plan*. To reduce costs, ask municipal staff if either of these options is available for your project. Development and review of sketch or site plan applications normally take 30 days minimum; special land uses applications range from 30 days to 60 days. When you first meet with municipal staff, inquire how long reviews typically take and then budget your time accordingly.

ZONING CAN CHANGE, BUT IT TAKES TIME AND PERHAPS MONEY

You may be told that the zoning does not allow for the uses you have chosen at the site you have selected. If uses are not allowed, you can ask for a *rezoning* (change the zone) or a *zoning text amendment* (change the language in the zoning ordinance to allow what you want to do in the zone where your site is located). Most likely, you will need to file for a rezoning, and pay fees (usually \$300-\$500). The approval process will take three to six months, including a public hearing required by state law. The zoning text amendment could be initiated and paid for by the municipality. Writing and passing text typically takes a bit longer, four to eight months, because the text will apply to all property with that zoning designation in the

municipality, not just to your site. As noted earlier, at the public hearing, bring as many people as you can to speak in favor of the changes, especially those who live in the community.

If the zoning ordinance does not allow a use at all, the ordinance has a mechanism by which a municipal body reviews the proposal. The reviewing body and process varies from community to community. We encourage you not to give up and to ask who handles these exceptions to the rules. ➤

QUESTIONS? CONTACT:

Michigan Food Hub Network Consultant:

Megan A. Masson-Minock, AICP
ENP & Associates
e-mail: megan@enp-associates.com
phone: 734-646-3163

The information in this document is intended for use as educational material to assist those who are developing food hubs in gaining an understanding of zoning processes. This document is not intended nor should it be used as a substitute or replacement for individual legal advice.

For more information about the Michigan Food Hub Learning and Innovation Network, visit www.foodsystems.msu.edu/activities/food-hub-network or contact co-conveners Rich Pirog (rspirog@msu.edu) or Marty Gerencer (marty.gerencer@gmail.com).

Primary financial support for the Michigan Food Hub Learning and Innovation Network is provided by The Kresge Foundation and the W.K. Kellogg Foundation.