

# Planning to Eat ?

## Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States

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A growing number of local governments across the United States are rebuilding food systems<sup>1</sup> through **innovative public policy**.

**Local governments are using plans, regulatory tools, fiscal incentives, and institutional mechanisms** to strengthen food systems. These public policy tools are being developed and implemented by different levels of local governments, including cities, counties, and regional governments.

This policy brief includes **a synthesis of recent best practices of local government policy and planning** designed to strengthen community food systems.

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<sup>1</sup> A food system refers to the network of activities, actors, resources, regulations, and institutions required to produce, process, distribute, and dispose food.

# PLANS

Official plans adopted by local governments guide future public investments and shape development patterns in a community. Official plans have a profound and lasting influence on the health of communities' food systems and on residents' ability to access healthful and affordable foods. Recognizing this influence, many local governments seek to strengthen their community's food systems through official plans.

Local governments incorporate food in official plans using a variety of strategies. Some include food as an element, or, sub-element, within their comprehensive plans along with more traditional plan elements such as land use, housing, and transportation. Food also appears as an element within sustainability or environmental plans. A small, but growing, number of governments are adopting stand-alone food systems plans, while others are adopting plans for a particular component of the food system such as urban agriculture.<sup>2</sup>

## FOOD AS AN 'ELEMENT' IN OFFICIAL PLANS

### Comprehensive Plans

A number of comprehensive plans adopted by local and regional governments include strategies for improving the food system. Within comprehensive plans, references to the food system commonly appear in sections devoted to natural and agricultural resources, environmental stewardship, or energy (e.g. **Boise, ID; Dillingham, AK; Dane County, WI; Madison, WI; Marin County, CA; New Orleans, LA; Southern California Association of Governments, CA**). Some comprehensive plans mention food within sections devoted to health (e.g. **Boston Metro Region; Harrison County, MS**). Still others interweave aspects of the food system throughout the comprehensive plan (e.g. **Seattle, WA**).

Below we review adopted comprehensive plans from around the country that aim to strengthen their community's food system. The plans reviewed in this section are organized by levels of government (city and county), and more recent plans appear first.

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2 See the American Planning Association's Planning Advisory Service Report Number 563 for a detailed analysis of plans that support urban agriculture. 1. Hodgson, K., M.C. Campbell, and M. Bailkey, Urban Agriculture: Growing Healthy, Sustainable Places, in Planning Advisory Service. January 2011, American Planning Association. p. 145.

### City-scale comprehensive plans

The 'City of **Dillingham** Comprehensive Plan Update and Waterfront Plan' (Alaska), adopted by the City Council on March 3, 2011, recognizes the role of the food system in meeting its energy goal to "*reduce reliance on costly imported goods; increase production and reliance on local resources.*" The plan's section on energy outlines an objective to "*develop interest in the community to grow and gather food locally.*" Strategies include education programs about the benefits of growing food locally, information about harvesting, caring, and preparation techniques, exploring "*the feasibility of developing a passively heated commercial greenhouse to grow food,*" and supporting and expanding an existing farmers' market. The plan outlines a timeframe for implementing each strategy and identifies the entity primarily responsible for implementation. [2]

The '**New Orleans** 2030: Plan for the 21st Century' (Louisiana), adopted by the City Planning Commission in 2010, addresses food in a subsection on "*Urban Agriculture, Gardening, and Open Space.*" The primary goal of this section is to provide "*ample opportunities for all residents to participate in and benefit from urban agriculture and community gardening.*" The plan proposes to achieve this by "*support[ing] and promot[ing] urban agriculture and community gardening on public and private property.*" Suggested actions include removing zoning and regulatory barriers to both urban agriculture and farmers' markets, performing an inventory of possible gardening sites, establishing a schoolyard greening program, and providing incentives to encourage reuse of vacant properties for urban agriculture. [3]

The 2006 'City of **Madison** Comprehensive Plan' (Wisconsin) addresses food in its "*Natural and Agricultural Resources*" and "*Economic Development*" sections. The plan outlines goals, objectives, and policies to protect the city's food-related resources including farmland and community gardens. Goals discussed in the plan include "*maintain[ing] existing agricultural operations in the City and encourag[ing] new, smaller farming operations such as Community Supported Agriculture Farms.*" The plan's objectives include protection and preservation of agricultural land,

supporting purchase of local foods, and capitalizing “on the mutual benefit of the connections between rural economies as producers of food and urban economies as processors and consumers.” The plan recommends mapping of agricultural operations located within the city, supporting education of farmers and consumers, and expansion of community gardens to ensure one garden per 2,000 households in the city. [4]

‘Blueprint **Boise**’ (Idaho), a proposed update of Boise’s comprehensive plan<sup>3</sup>, addresses food in a subsection on environmental stewardship. One goal within this subsection is to “promote community-based and local food production.” Recommended actions to reach this goal include designating public lands for community gardens, encouraging schools to create community gardens on school property, adopting zoning amendments that encourage food production, and allowing farmers’ markets as-a-right in designated activity centers. In addition, as part of a goal to “protect access to and promote use of the city’s canal system” the plan recommends that the city “require the use of existing water rights as new development occurs, particularly to support urban agriculture and community gardens.” [5]

References to the food system are interwoven throughout the 2005 update of the ‘City of **Seattle** Comprehensive Plan’ (Washington), which is intended to guide the city’s growth and development to 2024. The plan makes several references to the provision of community gardens as both a goal and a strategy to reach other overarching goals. The plan identifies a target standard of one community garden per 2,500 households in each designated “village” area throughout the city. [6]

### County-scale comprehensive plans

The ‘2030 **Harrison County** Comprehensive Plan’ (Mississippi), adopted by the Harrison County Board of Supervisors and the citizens of Harrison County in 2008, addresses the food system in its section on healthy communities. The section aims to ensure that residents “live in healthy communities that have opportunities for active living, recreation, affordable healthy foods, and services for vulnerable populations.” One specific goal of the plan is to “increase access to healthy food options in Harrison County.” The county proposes to achieve this goal by

3 The plan was recommended for approval to City Council on May 10, 2010. It is currently being reviewed by Council.

(1) developing a land bank of tax-reverted, vacant, and abandoned properties for agricultural uses, (2) promoting farmers markets, (3) promoting community gardens, and (4) improving local food accessibility. [7]

The section on “**Agricultural, Natural and Cultural Resources**” in the 2007 ‘**Dane County** Comprehensive Plan’ (Wisconsin) expresses a strong call “to conserve and effectively manage Dane County’s irreplaceable agricultural, natural and cultural resources, including ... productive agricultural areas.” The plan’s goals include protecting agricultural land, making farming economically viable, and maintaining the rural character of the county. Objectives include implementing fees to convert land from agricultural use to non-farm use, educating farmers about cost-saving measures, and encouraging compact future growth. The plan recommends continued support of the Dane County Food Council, revision of the county’s zoning and land division ordinances “to establish design guidelines that minimize conversion of agricultural land, and support farm operations and agriculture-related businesses,” and development of a viable and affordable option of health insurance for rural farmers. [8]

The award winning ‘**Marin Countywide Plan**’ (California), adopted by the County Board of Supervisors in 2007, includes a subsection on “**Agriculture and Food**” that includes three food-related goals: (1) “preservation of agricultural lands and resources,” (2) “improved agricultural viability,” and (3) “community food security.” The plan recommends that the county

\* Limit permitted non-agricultural development within the Agricultural Production Zone to a “building envelope covering no more than 5% of the property.”

\* Subject any proposed residential development above 4,000 square feet [located in agricultural areas] to design review.

\* Limit single family residences to less than or equal to 7,000 square feet in agricultural areas.



The plan includes specific indicators, benchmarks, and targets to measure and evaluate progress towards goals (see example below). [9]

Marin County Comprehensive Plan – Indicators and targets for strengthening the food system		
Indicators	Benchmarks	Targets
Acres preserved with agricultural easements.	28,377 acres preserved in 2000	Increase by 25,000 acres by 2010 and by 12,500 additional acres by 2015
Acres of land farmed organically	357 acres in 2000	Increase by 1,500% by 2010 and 1,700% by 2015
Annual sales of identified Marin farmers' markets: Civic Center, Downtown San Rafael, Novato, and Fairfax	\$9,860,000 in 2005	Increase annual sales 10% by 2010 and 15% by 2015

\* "Amend the Development Code to require space for on-site community gardens in [all] new residential developments of 10 units or greater."

### Regional-scale comprehensive plans

Adopted in 2008 by the Metropolitan Area Planning Council (MAPC), the 'MetroFuture Plan' aims "to better the lives of the people who live and work in Metropolitan **Boston** (Massachusetts) between now and 2030" [10]. References to the food system exist throughout the plan but are explicit in a section on "Community Vitality." The plan envisions a healthy community and a healthy food system and outlines the following goals and objectives to achieve this vision:

- \* All neighborhoods will have access to safe and well-maintained ... community gardens
- \* Residents in all communities and of all incomes will have access to affordable, healthy food
- \* The region's agricultural economy will grow through a focus on sustainable farming and by bringing more locally produced food to the market [11]

The plan recommends that the legislature establish a Massachusetts Food Policy Council, the Massachusetts Office of Small Business and Entrepreneurship assist healthy food stores with



financing, and the Massachusetts Avenue of Business Development to develop an "urban supermarket initiative." The

plan also recommends the use of "school-based programs to help children establish healthy lifestyles" including improving school nutrition, creating "Edible Schoolyards," and expanding farm-to-school programs. Finally, the plan suggests reconnecting public health and planning issues by establishing "coordinating mechanisms between health and planning boards and agencies." [12]

On the West Coast of the country, the 'Regional Comprehensive Plan' accepted by the Regional Council of the **Southern California** Association of Governments (SCAG) in 2008 addresses the food system within a section on "Agricultural Lands." The main goal outlined in this section is to:

Preserve the productivity and viability of the region's agricultural lands while supporting a sustainable economy and region by maintaining a viable level of agriculture to support economic and food supply needs for the region while supporting sustainable energy, air quality and transportation policies [and by] promot[ing] and support[ing] a strong locally-grown food system by encouraging community farming and developing cooperative farming initiatives that use sustainable farming practices.

The plans calls for the enrollment of 6,500 acres of prime farmland in the region's new conservation program within the first four years and no net loss of farm acreage enrolled in the program through 2035. [13]

## Environment, Sustainability, and Climate Change Plans

In recent years, local governments have begun to recognize that any efforts to improve the environment and tackle climate change must also address the food system. A growing number of environmental, sustainability, and climate change plans include entire sections devoted to building sustainable food systems as a strategy for improving the environment and addressing climate change (e.g. Portland and Multnomah County, OR; Baltimore, MD; Philadelphia, PA; Santa Fe, NM; Toronto, ON).

The 'Climate Action Plan 2009,' adopted by the city of **Portland and Multnomah County** (Oregon), provides a guide to future development in response to climate change, and includes a chapter on "Food and Agriculture." The chapter discusses the impact of the food system on carbon emissions, and includes two food-related objectives to reduce the impact on climate change. The objectives are to: 1) "reduce the consumption of carbon-intensive foods" and 2) "significantly increase the consumption of local food." The plan recommends concrete actions to achieve these objectives before 2012, including partnering with schools to promote healthy low-carbon diets and the provision of incentives and removal of regulatory barriers to encourage local food production. Measureable actions include promoting fruit and nut trees as part of a 'Grey-to-Green' tree-planting initiative to plant 33,000 trees in private yards as well as "develop[ing] or facilitat[ing] 1,000 new community garden plots." [14]



'The **Baltimore Sustainability Plan**' (Maryland), approved by the Baltimore City Council in 2009, aims to "establish Baltimore as a leader in sustainable, local food systems." Strategies to rebuild food systems appear in various sections of the plan; key strategies are noted below (chapters shown in parenthesis):

1. increas[ing] the percentage of land under cultivation for agricultural purposes (Greening)
2. improv[ing] the quantity and quality of food available at food outlets (Greening)
3. increase[ing] demand for locally-produced, healthy foods by schools, institutions, supermarkets, and citizens (Greening)
4. develop[ing] an urban agriculture plan (Greening)
5. implement[ing] Baltimore Food Policy Task Force recommendations related to sustainability and food (Greening)
6. compil[ing] local and regional data on various components of the food system (Greening)
7. compost[ing] residential yard and food waste and commercial food waste to the greatest extent (Resource Conservation). [15]

Released in 2009 by **Philadelphia** Mayor's Office of Sustainability, 'Greenworks Philadelphia' (Pennsylvania), is a sustainability plan to make Philadelphia "the greenest city in America." The plan considers sustainability through five lenses: energy, environment, equity, economy, and engagement. Two of these – environment and equity - address the food system. To reach its environmental goal of "[diverting] 70 percent solid waste from landfills," the plan's environmental section encourages composting to reduce food waste. The equity section prioritizes food access by establishing a target to "bring local food within 10 minutes of 75 percent of" city residents. Recommended actions to reach this goal include increasing access to fresh foods by creating 59 food producing gardens, 12 farms, and 15 farmers' markets, creating an inventory of community gardens, urban farms, and farm stands, providing technical assistance to farmers/gardeners, leveraging vacant city-owned land for gardening purposes, fostering commercial

# FOOD SYSTEM PLANS

farming, encouraging distribution of healthy foods in neighborhood stores, and supporting food cooperative expansions. The plan also recommends enhancing entrepreneurial and workforce development opportunities such as *“creat[ing] an agricultural workforce strategy to grow green jobs”* and *“support[ing] green kitchen development.”* [16]

The *‘Sustainable Santa Fe Plan’* (New Mexico), adopted by the City of Santa Fe in 2008 to reduce greenhouse gas emissions, includes a chapter dedicated to the food system. Although food-related initiatives to decrease *“food miles”* already exist in Santa Fe, the plan proposes three additional strategies.

1. To set a target for the percentage of consumed food to be grown locally; e.g., the plan proposes that the city establish a target such as 30% of the food consumed be from a 300-mile foodshed by 2018.
2. To design and implement a City Harvest program which provides multiple opportunities for growing, processing, storing, and selling food.
3. To “develop a foodshed (within 300 miles range) program in collaboration with regional partners.” This would include hiring a coordinator, expanding existing programs, preserving productive land, exploring food-related policies, and reducing transportation by coordinating a cooperative back-hauling<sup>4</sup> program. [17]

The *‘Change is in the Air: Climate Change, Clean Air and Sustainable Energy Action Plan,’* released by the city of **Toronto’s** Environment Office and adopted by Toronto City Council in 2007 (Ontario), directs several recommendations to the food system. [18] The plan recommends that the City establish a Live Green Toronto Program *“to support residents’ groups, Business Improvement Areas and other neighbourhood agencies and community groups to green their own neighborhoods through a range of programs”* such as planting food gardens at parks and homes. The plan also recommends new institutional mechanisms such as the creation of *“an Enviro-Food Working Group to develop and implement actions to promote local food production, review City procurement policies, increase community gardens, and identify ways to remove barriers to the expansion of local markets that sell locally produced food.”* [19]

**4 Most trucks that deliver food products return to the distribution centers empty. This program would maximize the use of the trucks, ensuring they were loaded in both directions.**

A small, but growing, number of local governments have created stand-alone, comprehensive, food system plans. These food system plans have been developed at varying scales, including neighborhoods (e.g. Buffalo, NY), municipalities (e.g. New York, NY; Oakland, CA; Toronto, ON), counties (e.g. Dane County, WI; Multnomah, OR), and regions (e.g. Delaware Valley Region, PA; Waterloo, ON). They describe communities’ goals for their food systems, assess the conditions of food systems, and make recommendations for improving them.

A few communities have also developed plans for a specific component of the food system (i.e. production, processing, distribution, etc.). Existing plans for a particular component of the food system tend to focus on food production (e.g. urban agriculture plans) rather than processing, distribution, or disposal.

## Comprehensive Food System Plans

### Neighborhood-Scale food system plan

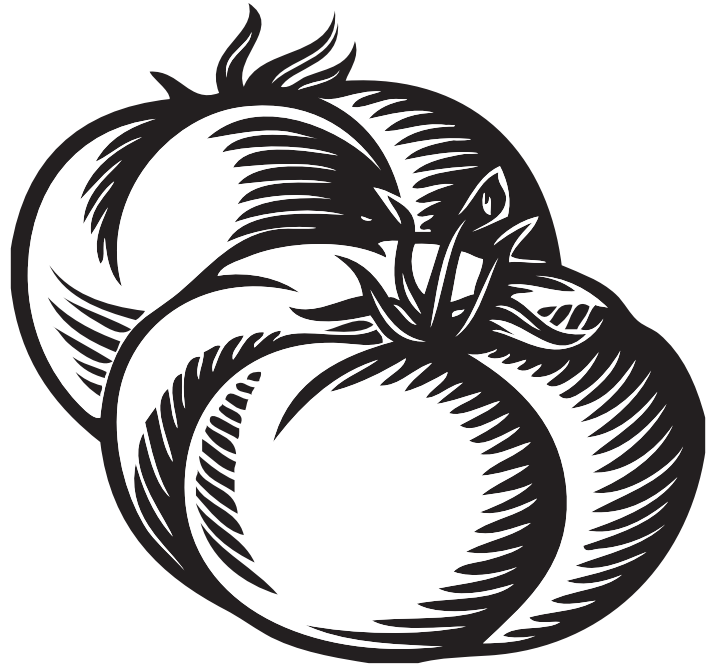
In 2003 the Massachusetts Avenue Project, in collaboration with a graduate planning studio from the University at Buffalo (State University of New York), released *‘Food for Growth: A Community Food System Plan for **Buffalo’s West Side.**’* Focused on a specific neighborhood on the west side of Buffalo, New York, this plan assesses the neighborhood’s food security and the food system, and provides recommendations for improvement. Recommendations within four strategic areas include: (1) enhancing local food production through effective land use planning and by connecting consumers with Western New York farmers, (2) promoting food-based economic development, (3) improving transportation access to food, and (4) facilitating youth development through food-based projects. The plan has been since implemented by the Massachusetts Avenue Project. [20]

## City-wide Food System Plans

In 2010 the **New York City** Council released *‘Food Works: A Vision to Improve NYC’s Food System,’* a comprehensive food system plan which outlines goals and strategies for production, processing, distribution, consumption, and post-consumption of food. Food production goals include preservation of and increase

in urban and regional food production. Strategies to meet these goals include *"strengthen[ing] regional food supply channels, leverag[ing] the city's economic power to support regional producers,"* using existing space for urban food production more effectively, and *"restor[ing] food and horticultural knowledge."* Food processing goals include generating growth and employment in the food manufacturing sector by making affordable space and technical assistance available to food manufacturers; to *"increase regional products processed in and for New York City"* by facilitating urban-rural linkages; and, to *"reduce the environmental impact associated with food processing in New York City"* by helping businesses reduce energy consumption. [21]

Food distribution goals include *"improv[ing] food distribution in New York City through infrastructure enhancements, technological advances, alternative*



*transportation, and integrated planning."* Strategies to reach this goal include *"expand[ing] on the current vision for the Hunts Point Food Distribution Center to maximize its potential and diversify[ing] and improv[ing] food transport."* [21]

Food consumption goals of the plan are to *"create a healthier food environment"* by *"expand[ing] fresh food retail in underserved areas of the city,"* supporting *"food outlets that provide fresh and healthy foods"* better, and *"discourag[ing] unhealthy food consumption."* The plan also aims to *"strengthen the safety net of hunger and nutrition programs"* through *"improv[ing] federal food programs and remov[ing] local barriers to enrollment,"* improve nutritional

quality of institutional meals by *"expand[ing] the capacity of city agencies to cook whole foods for nutritious meals,"* and, to *"increase [the] quantity and quality of opportunities for food, nutrition, and cooking knowledge."* [21]

Post consumption goals included in the plan are to *"decrease waste throughout the food system and increase resource recapture in the food system"* by *"improv[ing] the net environmental impact associated with food procured by city agencies and institutions, increas[ing] residential, commercial, and governmental composting, and increas[ing] recycling of waste related to food processing and packaging."* [21]

Also in 2010, on the West Coast of the country, the **Oakland** Food Policy Council (California), an advisory group for the city, released *'Transforming the Oakland Food System: A Plan for Action.'* Building on a previous food system assessment, the food policy council recommends that the city: (1) protect and expand urban agriculture, (2) encourage accessible and affordable farmers' markets, (3) promote use of food assistance programs at farmers' markets, (4) develop environmentally preferable purchasing protocols, (5) expand composting and food scrap recycling, (6) develop a fresh food financing initiative, (7) encourage healthy mobile vending, (8) establish synthetic pesticide and GMO-production free zones, (9) scale up local purchasing, and (10) strengthen community-government links. [22]

The City of **Toronto** (Ontario), which has led the forefront of the food systems work in North America, is currently in the throes of preparing a food systems plan. The city's Public Health Department is preparing a comprehensive food system plan as part of the Toronto Food Strategy project to create a health-focused food system. As a precursor to this plan, in 2010 the Public Health Department released *'Cultivating Food Connections'* which proposes a vision for a healthy food system. The document describes *"numerous opportunities for Toronto to champion food system renewal"* and *"is the product of broad consultation with individuals and groups across City government and the community."* The findings in this document will be used to inform the comprehensive food system plan which is scheduled for presentation to the Toronto Board of Health in May 2011. [23]

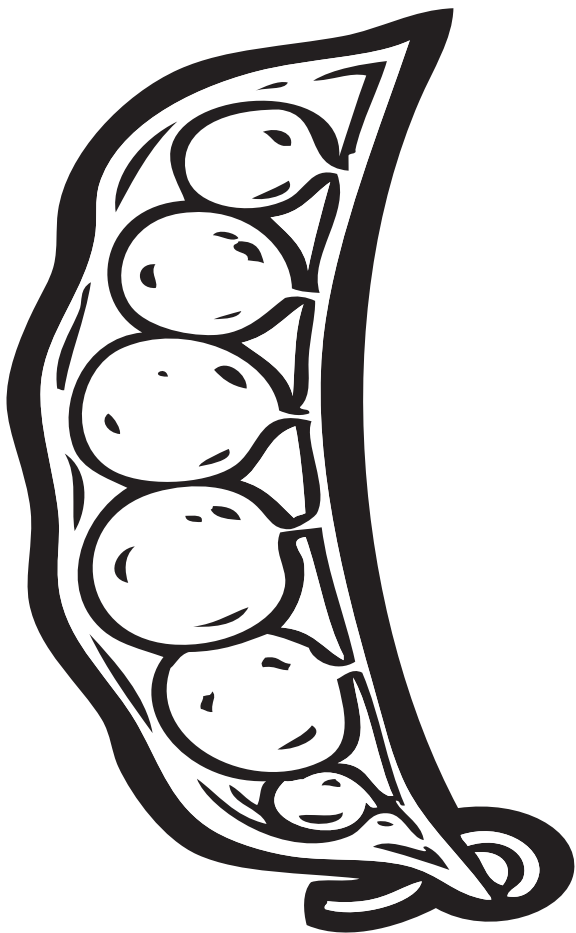


### County-wide food system plan

The Multnomah County Office of Sustainability (Oregon) released the '[Multnomah Food Action Plan: Grow and Thrive 2025](#)' in December 2010. The plan aims to "achieve a local, healthy, equitable, and regionally prosperous food system" through "education, community empowerment, planning integration, policy prioritization, and investment." The plan includes a call to action which includes 16 community-identified goals, and 60 organization-based actions related to local food, healthy eating, social equity, and economic vitality. Selected indicators in the plan include increasing the number of full service grocery stores by 20%, increasing participation in the Supplemental and Nutrition Assistance Program (SNAP) by five percentage points, reducing number of low-income households living farther than one mile from a grocery store by 20 percent, reducing fast food expenditures per capita by 10%, and reducing obesity rates among low-income preschool by three percentage points – all over a period of 15 years. [24]

In July 2005 the **Dane County** Local Food Policy Advisory Subcommittee (Wisconsin), appointed by the Environment, Agriculture and Natural Resources

committee of the Dane County Board, released '[Recipe for Success](#),' a plan to improve the county's food system. The plan makes calls for an effort to "buy fresh /buy local" through institutional purchasing policies<sup>5</sup>, "establish[ing] a countywide network of farmers' markets, support[ing] farm-to-school programs, and identify[ing] areas of need." The plan recommends the completion of a needs assessment, organization of a stakeholder community, and the creation of a business plan for the development of a Public Market as well as a Central Agricultural and Food Facility. The plan also calls for the "promot[ion] of farmland preservation and entrepreneurial agriculture" by adhering to the county's comprehensive plan, promoting "small acreage farming zones, support[ing] entrepreneurial agriculture, and support[ing] local farmland preservation initiatives." The plan recommends improving access to local foods "to improve health and nutrition," collaborating with anti-hunger advocates to establish a "Market Basket" program, supporting and enhancing an existing Dane County Extension Nutrition Education Program, devoting county-owned land for community gardens, encouraging direct marketing, CSA farms, farm stands, and U-Pick operations, and networking with existing Dane County Health and Nutrition projects. The plan also recommends the establishment of a Dane County Food Council, which has since been established. [25]



### Regional-scale food system plan

Regional food system plans provide a promising opportunity to strengthen urban and rural linkages within a food system. Based on an extensive food system study [26], '[Eating Here: Greater Philadelphia's Food System Plan](#),' published in February 2011 by the Delaware Valley Regional Planning Commission, aims to increase "the security and economic, social, and environmental benefits of the regional food system that feeds **Greater Philadelphia**." The plan's ultimate goal is to create "a food system in which agriculture is a valued and economically viable occupation, natural resources are preserved and regenerated, healthy food is accessible and affordable, and diversity exists throughout the region." The plan makes 52 recommendations to achieve this goal (although implementing actors are purposely not identified). [27]

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5 Specific recommendation - The County should set a goal that 10% of its food-related purchases should be made locally within three years

Key recommendations include:

1. Addressing the retirement needs of farmers, transitioning preserved land into food production, and creating investment vehicles for long-term agricultural production on preserved land
2. Development of technical assistance programs or market-based solutions that enable farmers to protect natural resources
3. Creation and expansion of programs to reduce barriers to entry for new farmers and food entrepreneurs
4. Integration of Farm-to-School programs into a robust and comprehensive education program
5. Continual convening of the Greater Philadelphia Food System Stakeholder Committee [27]

In April 2007 the Region of **Waterloo** (Ontario) Public Health Department released 'A **Healthy Community Food System Plan.**' Building on a study completed in 2005, this plan provides objectives, strategies, and actions to improve the region of Waterloo's food system. The seven main objectives are to: (1) "ensure all residents can afford to buy the food they need to sustain health," (2) "preserve and protect Waterloo Region's agricultural lands," (3) "strengthen food-related knowledge and skills among consumers," (4) "increase the availability of healthy food so that the healthy choices are easier to make," (5) "increase the viability of farms that sell food to local markets in order to preserve rural communities and culture," (6) "strengthen the local food economy," and (7) "forge a dynamic partnership to implement the plan." Strategies include "increas[ing] urban agriculture, expand[ing] local farmers' markets, encourag[ing] local food processing."

### Plans for a Component of the Food System

When resources for preparing a comprehensive food system plan are limited, local governments may prepare and adopt plans focusing on a particular component of the food system such as production, processing, distribution, consumption, or disposal of food. These plans typically establish goals for improving a particular component, assess the conditions in this component of the food system, and provide recommendations for improvement. Current component-specific plans for the food system tend

to focus on food production (e.g. Minneapolis, MN; Madison, WI).

A recent example of a plan that focuses on the production component of the food system is an 'Urban Agriculture Policy Plan: A Land Use and Development Plan for a Healthy, Sustainable Local Food System' adopted in April 2011 by the **Minneapolis** City Council (Minnesota) to promote urban agriculture. The plan's recommendations include altering the existing zoning code to define and permit urban agriculture related activities, incorporating urban agriculture into the city's long range planning efforts, and reviewing the City's land inventory to find opportunities for urban agriculture. The plan also includes an assessment of land demand for urban agriculture. [29] Our research suggests that this is possibly the first officially adopted urban agriculture plan in the United States.

About a decade earlier, in 1999, the City of **Madison** Advisory Committee on Community Gardens adopted 'Growing a Stronger Community with Community Gardens,' a community gardens plan for the City of Madison, Wisconsin. The plan describes the state of community gardens as well as strategies and tools for preserving existing and creating new gardens. The plan recommends five policies. It recommends (1) extension of the lease period for community gardens on city-owned lands to a minimum of five years. The plan calls for (2) "community gardens [to] be developed as permanent public assets" with financial support from the city government, as well as (3) "through planning and zoning actions." Because community gardens require continual institutional and organizational support, the plan recommends (4) the establishment of a Community Gardens Council and the hiring of a coordinator. The plan calls for (5) a partnership among city government, community



# PLANS TO SUPPORT HEALTHY FOOD SYSTEMS

## Official plans that include references to the food system

### Comprehensive or General Plans

<b>Municipal-scale</b>	<p><b>Dillingham, AK</b> Adopted in 2011 by the City Council</p>	<p>* The City of Dillingham Comprehensive Plan Update and Waterfront Plan addresses food-related goals, strategies, implementation timeline, and responsible entity within the energy section of the plan</p>
	<p><b>New Orleans, LA</b> Adopted in 2010 by the City Planning Commission</p>	<p>* The New Orleans 2030: Plan for the 21st Century has a subsection on urban agriculture , gardening, and open space including current conditions, goals, and recommended actions</p>
	<p><b>Madison, WI</b> Adopted in 2006 by the Common Council Released by the Department of Planning</p>	<p>* The City of Madison Comprehensive Plan has a chapter dedicated to natural and agricultural resources including goals, objectives, and policies to encourage the preservation and growth of both rural and urban farms.</p> <p>* Specific target to create one community garden site for every 2,000 city households</p>
	<p><b>Boise, ID</b> Recommended for city council approval in 2010 by the Planning and Zoning Commission</p>	<p>* Blueprint Boise, the city's comprehensive plan, includes goals to promote community-based and local food production in a subsection on environmental stewardship</p> <p>* Recommended actions are discussed to reach these goals such as designating public lands for community gardens</p>
	<p><b>Seattle, WA</b> Adopted in 2005 by the City Released by the Dept. of Planning and Dev.</p>	<p>* References to community gardens are interwoven through the City of Seattle Comprehensive Plan</p> <p>* The plan recommends an increase in number of gardens city-wide as well as a target of one community garden for each 2,500 households located within designated villages throughout the city</p>
	<p><b>Harrison County, MS</b> Adopted in 2008 by the Board of Supervisors</p>	<p>* The 2030 Harrison County Comprehensive Plan addresses food in a section dedicated to public health including goals, strategies, and actions to increase access to healthy food options</p>
<b>County -scale</b>	<p><b>Dane County, WI</b> Adopted in 2007 by the Board of Supervisors Released by the Department of Planning</p>	<p>* The Dane County Comprehensive Plan addresses the food system in a chapter dedicated to agricultural, natural, and cultural resources</p>
	<p><b>Marin County, CA</b> Adopted in 2007 by the Board of Supervisors Released by the Community Dev. Agency</p>	<p>* The Marin Countywide Plan has a chapter dedicated to natural systems and agriculture elements including a subsection on agriculture and food which considers current conditions, key trends, and issues to create goals, policies, and implementation strategies</p>

<b>Regional-scale</b>	<b>Boston Metro Region</b> Adopted in 2008 by the Metropolitan Area Planning Council	* The MetroFuture Plan references the food system in its vision, goals, objectives, indicators, strategies, and recommended actions within the community vitality section
	<b>Southern CA</b> Accepted in 2008 by the Assn. of Governments	* The 2008 Regional Comprehensive Plan has a subsection on agricultural lands including current conditions, eating locally and sustainably, goals, and outcomes
Environment and Climate Change Plans		
<b>Municipal-scale</b>	<b>City of Portland and Multnomah County, OR</b> Adopted in 2009 by the City Council and the County Board of Commissions	* The Climate Action Plan 2009 includes subsections on reducing consumption of carbon-intensive foods, increasing consumption of local foods, and reducing and recovering food and solid waste with accompanying objectives and actions to be completed before 2012
	<b>Baltimore, MD</b> Approved in 2009 by the City Council	* The Baltimore Sustainability Plan describes goal and strategies for building sustainable, local food systems in its section on Greening  * Also addresses food in a chapter devoted to Resource Conservation, which outlines a goal to minimize waste by composting food waste
	<b>Philadelphia, PA</b> Released in 2009 by the Mayor's Office of Sustainability	* Greenworks Philadelphia includes targets and strategies to bring local food within 10 minutes of 75 percent of all city residents in a section dedicated to equity  * Also includes including a target to divert 70 percent of solid waste from landfills in a section dedicated to the environment
	<b>Santa Fe, NM</b> Adopted in 2008 by the City Released by the Sustainable Santa Fe Commission	* The Sustainable Santa Fe Plan includes subsections on solid waste reduction and food systems with accompanying proposed actions
	<b>Toronto, ON</b> Adopted in 2007 by the City Council Released by the Toronto Environment Office	* The Climate Change, Clean Air and Sustainable Energy Action Plan recommends the creation of the Live Green Toronto Program, one activity of which is to promote home and community gardening projects. The plan also establishes the inter-divisional Enviro-Food Working Group to promote local food production, "review City procurement policies, increase community gardens, and identify ways to remove barriers to the expansion of local markets that sell locally produced food."
Food System Plans		
Comprehensive Food System Plans		
<b>Neighborhood-scale</b>	<b>Buffalo, NY West Side</b> Released in 2003 by the University at Buffalo – Department of Urban and Regional Planning and Massachusetts Avenue Project	* Food for Growth: A Community Food System Plan for Buffalo's West Side assesses food security including demographics, community perspectives, trends in hunger, and affordability and quality of food  * Recommends strengthening the community food system by enhancing local food production through land use planning, promoting food-based economic development, improving transportation access to food, and promoting West Side youth development through food-based projects  * Provides recommendations and identifies responsible implementing agency

<b>Municipal-scale</b>	<b>New York, NY</b> Released in 2010 by the New York City Council	<ul style="list-style-type: none"> <li>* Food Works: A Vision to Improve NYC's Food System explores food system trends over time</li> <li>* Considers moving from food system insecurity to opportunity</li> <li>* Describes current conditions, goals, strategies, and proposals for food production, processing, distribution, consumption, and post consumption</li> </ul>
	<b>Oakland, CA</b> Released in 2010 by the Oakland Food Policy Council	* Transforming the Oakland Food System: A Plan for Action provides goals for improving the Oakland food system and reports on trends and current conditions within the Oakland food system
	<b>Toronto, ON</b> Released in 2010 by the Department of Public Health	<ul style="list-style-type: none"> <li>* Cultivating Food Connections proposes a vision of a healthy food system, discusses the city's numerous opportunities, and documents the suggestions and opinions of both government and public stakeholders in the food system</li> <li>* This study is being used to inform the creation of a comprehensive food system plan</li> </ul>
<b>County-scale</b>	<b>Multnomah County, OR</b> Released in 2010 by the Multnomah County Office of Sustainability	<ul style="list-style-type: none"> <li>* The Multnomah Food Action Plan: Grow and Thrive 2025 outlines 16 goals to promote Local Food, Healthy Eating, Social Equity, and Economic Vitality</li> <li>* Provides specific indicators for each goal to track progress - includes current conditions and benchmarks for 2018 and 2025</li> </ul>
	<b>Dane County, WI</b> Released in 2005 by the Dane County Local Food Policy Advisory Subcommittee	<ul style="list-style-type: none"> <li>* Recipe for Success outlines recommendations with suggested actions and next steps</li> <li>* Examines several topics including - Buy fresh / buy local; a central agricultural and food facility and public market; farmland preservation and entrepreneurial agriculture; local foods to improve health and nutrition; establish a Dane County food council</li> </ul>
<b>Regional-scale</b>	<b>Delaware Valley</b> Released in 2011 by the Delaware Valley Regional Planning Commission	<ul style="list-style-type: none"> <li>* Eating Here: Greater Philadelphia's Food System Plan outlines six core values and one ultimate goal</li> <li>* 52 recommendations are discussed and indicators are documented to measure progress</li> </ul>
	<b>Waterloo, ON</b> Prepared in 2007 by the Region of Waterloo Public Health Dept.	<ul style="list-style-type: none"> <li>* A Healthy Community Food System Plan addresses key informant consultation process</li> <li>* Announces objectives, strategies, and actions resulting from focus group</li> <li>* Discusses current progress on actions and further recommendations</li> </ul>
<b>Plans for a component of the food system</b>		
<b>Municipal-scale</b>	<b>Minneapolis, MN</b> Adopted in 2011 by the City Council	<ul style="list-style-type: none"> <li>* The Urban Agriculture Policy Plan: A Land Use and Development Plan for a Healthy, Sustainable Local Food System examines existing urban agriculture policies and facilities</li> <li>* Outlines issues and opportunities and presents recommendations</li> </ul>
	<b>Madison, WI</b> Adopted in 1999 by the City of Madison Advisory Committee on Community Gardens	<ul style="list-style-type: none"> <li>* Growing a Stronger Community with Community Gardens analyzes the current state of community gardens in the city of Madison</li> <li>* Considers location of community gardens including neighborhood characteristics</li> <li>* Suggests strategies and tools for preserving existing and creating new community gardens</li> <li>* Sets action plan recommendations</li> </ul>

# REGULATORY TOOLS

gardening organizations and individual gardeners. Several recommendations of this plan were ultimately incorporated in the city's comprehensive plan and have since been implemented. [30]

Local government regulations play a significant role in facilitating or hindering a healthy food system through permitting (or, prohibiting), licensing, monitoring, or otherwise regulating food-related activities in a community. For example, a zoning code that prohibits mobile vending of fresh produce but permits hotdog vending in residential districts makes it relatively harder for residents to purchase healthy foods in their neighborhoods. Fortunately, local governments are using a variety of regulatory tools to support production, processing, distribution, and consumption of healthful foods as well as to support sustainable forms of food waste disposal. These regulations include modifying zoning ordinances to recognize urban agriculture<sup>6</sup> as a permitted use in cities to ordinances that permit farm animals and bees in urban areas.

## FOOD PRODUCTION

Supporting crop production through zoning and other regulations

A growing number of municipalities around the country are modifying zoning ordinances to permit and support food production. Community gardening, large-scale farming, green houses, truck gardens and other type of crop production are a permitted land use in multiple zoning districts in several cities. In **Kansas City**, MO, community gardens, defined as *"an area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation,"* are permitted in all residential zones although sale and donation of produce is restricted

<sup>6</sup> See the American Planning Association's Planning Advisory Service Report Number 563 for a detailed analysis of regulatory tools relating to urban agriculture. [1]

to particular residential zones (discussed further in food retail/distribution section). This recognition is the result of recent modifications to the zoning code (June 2010). [31]

**San Francisco**, California's Planning Code recognizes multiple forms of food production including community gardens, neighborhood gardens, greenhouses, plant nurseries, and truck gardens. Community gardens and neighborhood gardens are permitted as a principal use in all residential districts provided the open space is "used for horticulture or passive recreational purposes which is not publically owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises." Green houses, plant nurseries, and truck gardens are permitted as a principal use in most commercial and manufacturing districts, and are *"subject to approval by the City Planning Commission as a conditional use"* in all residential districts. [32]

Other cities allow large scale farming as a permitted use within particular zoning districts (e.g. New Orleans, LA; Austin, TX). **New Orleans**, Louisiana's Comprehensive Zoning Ordinances permits farms on sites of at least five acres and private and truck gardens (without sale on-site) as-a-right in all residential and commercial zoning districts. [33] The City Code of **Austin**, Texas permits farms of one to five acres in most zoning districts and allows agricultural products raised on these farms to be sold from the site, subject to some regulations. [34]

Still other cities permit agricultural uses within their development and form based codes (e.g. Forsyth, GA; Denmark Township, MN; Mint Hill, NC; Hutto, TX). **Forsyth**, Georgia's Zoning Ordinance permits non-commercial gardens as an accessory use to single-family detached dwellings located within traditional neighborhood development districts. [35]

**Denmark Township**, Minnesota's Development Code permits agriculture (including demonstration farms), community gardens, and composting (for waste generated by residents of the development) as open space uses within open space design subdivisions.

[36]

Some cities are currently in the process of changing their zoning codes to further support food production. For example, **San Francisco**, California's Mayor and President of the Board of Supervisors introduced an ordinance (December 14, 2010) which will facilitate the local production and sale of fresh produce throughout all zoning districts. This ordinance will define and recognize "*neighborhood agriculture*" and "*large scale urban agriculture*" as permitted uses, either by right or with conditional use authorization. Proposed language defines neighborhood agriculture as less than one acre and allows the use in all zoning districts while large scale urban agriculture is greater than one acre and requires conditional use authorization in most zoning districts (including residential). The ordinance will allow the limited sale of produce on otherwise vacant property. On February 17, 2011 the city's Planning Department recommended approval of the ordinance with modification to the Board of Supervisors. These modifications include clarifying the language that allows produce grown on site to be sold on site and adjusting the compost setback requirements. [37]

**Boston**, Massachusetts' Zoning Code and Enabling Act establishes nine categories of sub-districts, including a "**Community Garden Open Space Sub-district**," within an open space zoning district. The Community Garden Open Space Sub-district "*shall consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; such land may include Vacant Public Land.*" [38]

### Permitting Food Production in Overlay Districts

A flexible option for improving the food environment through zoning ordinances is through the use of an "*overlay district*." An overlay district can include healthy land uses – such as urban agriculture – that would otherwise not be permitted in a particular zoning district.

Community gardens are listed as a permitted open space type within the Downtown Overlay A (DO-A) Neighborhood District in the Downtown Mint Hill Overlay Code of **Mint Hill**, North Carolina. Properties must follow general building design guidelines and architectural requirements. For example, all garden walls are required to be "made of brick, stone, or

stucco matching the principal building." [39]

In **Cleveland**, Ohio a special "**Urban Garden Overlay District**" is pending adoption by the city council. The district is designed to:

- (a) provide appropriately located and sized land for urban agriculture use;
- (b) facilitate local food production and improve community health;
- (c) provide local opportunities for agriculture-based entrepreneurship and employment;
- (d) enhance the environment and improve stormwater management;
- (e) ensure safe and sanitary conditions for urban agriculture uses;
- (f) to protect nearby residential areas from any adverse impacts of agricultural use; and
- (g) to ensure that land best suited for non-agricultural use remains available for such use.

Cleveland's overlay district will permit the raising of livestock more intensively than in other zoning districts. [40]

Seattle, Washington's Department of Transportation allows residents to plant food in the planting strip immediately abutting their residence. Certain setback and height requirements must be followed as outlined in "**The Seattle Right-of-Way Improvements Manual**." Additionally, most fruit trees are prohibited as falling fruit poses a threat to pedestrians. As of 2009, street use permits and their accompanying fees are not required for gardening activities; however, a free street use permit is required for planting trees or installing hardscape elements such as raised planting boxes. [41]

### Incentivizing Food Production in Planned Unit Developments

Some cities provide incentives for including urban agriculture within planned neighborhoods (e.g. Minneapolis, MN Milford, DE). **Minneapolis**, Minnesota's zoning code provides incentives for promoting food production in "planned unit developments" (PUD). As PUDs are built on large sites, the code provides "for

flexibility in the use of land and the placement and size of buildings in order to better utilize the special features” of the sites. This flexibility requires the developer to provide a tradeoff: PUDs must include 10 points worth of pre-approved special amenities which ultimately result in higher quality developments.<sup>7</sup> Also, for each approved alternative to the zoning regulation, PUDs must include an additional five points of special amenities. As an incentive to promote food production, developers can gain 10 points for incorporating green roofs, five points for including gardens or on-site food production capability, and three points for integrating living wall systems. [42] **Milford**, Delaware’s Code of Ordinances awards a 5% density bonus to Planned Residential Neighborhood Development projects that reserve additional common land for community gardens. [43]

### Permitting Food Production through Form-based Codes

A form-based code adopted in 2009 by the City of **Hutto**, Texas explicitly supports food production. The land area in this ‘**SmartCode**’ is broken into six transect zones – Natural, Rural, Sub-Urban, General Urban, Urban Center, and Urban Core. The code permits various forms of food production –by right or by warrant - within all zones (see below). Unless specified otherwise, all food production shown in each transect is permitted “*by right*.” [44]

**Natural zone:** Green roofs; Vegetable plots (by warrant); Farms (by warrant)  
**Rural zone:** Green roofs; Vegetable gardens; Community gardens; Agricultural plots; Farms  
**Sub-Urban zone:** Green roofs; Vegetable gardens; Agricultural plots; Urban Farms; Community Gardens  
**General Urban:** Green roofs; Vegetable gardens; Urban Farms; Community Gardens  
**Urban Center:** Green roofs; Urban Farms; Community Gardens; Vertical axis gardening  
**Urban Core:** Green roofs

### Favorable vacant land disposition policies

Public land disposition policies can also support food production by making public land available for community gardening and urban agriculture. A Real

7 The zoning code provides a table of amenities that are assigned a certain number of points and specific standards to be met.

Estate Disposition Policy adopted by the city council of **Minneapolis**, Minnesota in 2004 allows excess city-owned vacant non-buildable lots in the city’s land inventory to be purchased by a nonprofit corporation or public agency to use as a community garden for enjoyable, recreational, and sustainable purposes for city residents. The purchaser must place a conservation easement on the community garden lot in favor of the city. Accessory buildings may be constructed for tools, equipment, and storage as permitted by the Building and Zoning Codes. [45]

Still other cities have city programs and policies for allowing the interim use of public land for urban agriculture (e.g. Hartford, CT; Utica, NY; Rochester, NY). Many cities create garden programs or charge a specific city department with the task of issuing garden permits for vacant city-owned land. **Hartford**, Connecticut’s Parks and Recreation Advisory Commission administers a municipal gardening program “*to encourage the use of vacant public land owned by the City for gardening purposes by the general public*.” [46] **Utica**, New York’s commissioner of urban and economic development manages the Utica Community Garden Program which “*negotiate[s] and enter[s] into contracts with interested community organizations for the purpose of establishing community gardens on vacant city-owned land*.” [47] **Rochester**, New York charges the Director of Real Estate to issue garden permits “*for use of City-owned vacant lots by the public, for gardening purposes*.” [48]

### Ordinances permitting agricultural livestock – chickens, bees, and goats - in cities

A number of local government ordinances permit the raising of farm animals and bees in urban





areas. These ordinances regulate the type and density of animals (based on square footage of lot or per lot), setback requirements for facilities raising animals, licensing requirements, and require the owners to follow strict sanitation codes.

### Fowl

Many cities, including Buffalo, New York, allow fowl to be raised and kept in particular zoning districts. In **Madison**, Wisconsin the zoning ordinance allows the *"keeping of up to four (4) chickens on a [residential] lot"* provided the owner obtains a license (\$10.00/year) and follows the enclosure and setback rules stipulated in the ordinance. [49]

In **Rochester**, New York, up to thirty fowl may be kept in an open area of 240 square feet and each fowl must have at least four square feet of floor space when kept in a coop. Male fowl over the age of 4 months are prohibited after due notice by the Chief of Police that they are a nuisance. A license (\$37.00/year) is required to keep fowl. [50]

Land area requirements for keeping fowl and other animals can vary by zoning districts. In **Cleveland**, Ohio, for example, the space requirements for animals is higher in residential districts as compared to non-residential district and the proposed Urban Garden Overlay (UGO) district despite nearly identical setback and enclosure regulations in all districts. Residential lots are allowed to have one chicken, duck or similar small animal per 800 square feet while nonresidential parcels may have one per 400 square feet and the proposed UGO parcels may have one per 100 square feet. One rooster, goose, or turkey may be kept on both residential and nonresidential parcels of at least 1 acre with an additional one bird allowed per 24,000 square feet in excess of the one acre. The proposed UGO parcels may have one rooster per 10,000 square feet. A license must be obtained to keep any of the above animals. [40, 51]

In **Seattle**, Washington, where fowl are permitted in all zoning districts as an accessory use, eight fowl are allowed per lot; however, roosters are not allowed. A community garden or urban farm greater than 10,000 square feet may keep one additional fowl per 1,000 square feet in excess of 10,000 square feet. [52]

**Mountain View**, California's Code of Ordinances allows up to four hens without a permit if their enclosure is more than 25 feet away from neighboring residences. [53]

### Small, medium, and large sized animals

Some cities permit raising livestock, including cows, goats, and sheep, within city limits. In Cleveland, Ohio, residential parcels may have one goat, pig, sheep, or other similar medium sized animal per 24,000 square feet with a maximum limit of two such animals if the parcel is larger than 26,400 square feet while nonresidential parcels may have one per 14,400 square feet with a maximum limit of two if the parcel is larger than 15,600 square feet. Parcels within the proposed Urban Garden Overlay (UGO) District may have one medium-sized animal per 4,000 square feet with no limit on maximum number. The proposed UGO parcels are also the only parcels which may have large-sized animals such as horses, cows, alpacas, llamas and similar farm animals (one per 8,000 square feet). A license must be obtained to keep any of the above animals. [40, 51]

Similarly, in **Rochester**, New York one cow may be kept per standard city lot of 4,950 square feet (up to 15 cows per acre); however, *"[e]ach cow must have at least 2,500 square feet of clear space in which to*



*exercise.*" All other animals (beside cows and fowl) must "have at least one square foot of space for each pound in weight, if confined within a building, and in addition thereto at least one square foot of space for each pound of weight" in which to exercise. A license (\$37.00/year) is required to keep farm animals. [50]

**Seattle**, Washington permits small animals as an accessory use in all zoning districts with some stipulations. In single-family residential zones "up to four small animals are permitted on lots of at least 20,000 square feet [with] one additional small animal permitted for each 5,000 square feet of lot area in excess of 20,000 square feet." Miniature potbelly pigs are considered a small animal and must be shorter than 22 inches high and less than 150 pounds. Additionally, miniature goats are considered a small animal provided they are neutered and dehorned. One cow, horse, sheep, or other similar animal may be kept in any zoning district per 10,000 square feet; however, they are only to be kept on lots of at least 20,000 square feet. Licenses are only required for miniature goats (\$20.00/year) and potbelly pigs (New \$120.00; Renew \$30.00/year). [52]

## Beehives

Beehives, an essential component of the food system, are also permitted through municipal regulations. These regulations stipulate the number of hives per area, require licenses, and may require approval of adjacent property owners. For example, **Cleveland**, Ohio, permits one beehive per 2,400 square feet on residential parcels while nonresidential and the proposed UGO parcels may have one beehive per 1,000 square feet. [40, 51]

In **Minneapolis**, Minnesota, lots in any zoning district less than one-half (1/2) acre may have two colonies of bees. Lots between one-half (1/2) and three-quarter (3/4) acre may have four colonies. Lots between three-quarter (3/4) and one (1) acre may have 6 colonies. Lots between one (1) and five (5) acres may have eight colonies. Finally, lots larger than five (5) acres may have as many colonies "as determined by the manager of Minneapolis Animal Care and Control." A permit is required to have beehives (New \$100.00; Renew \$50.00/year). To obtain a permit, applicants must receive written consent from at least 80% of neighbors within 100 feet of the property and 100% consent from neighbors adjacent to the property. If the proposed location of the hive(s) is on a property greater than 4 acres, applicants must receive written

consent from at least 80% of neighbors within 250 feet of the hive(s) and 100% consent from neighbors within 150 feet of the hive(s). [54]

**Seattle**, Washington permits beehives as an accessory use in all zoning districts. No more than four beehives are allowed on lots of less than 10,000 square feet. [52]

## FOOD PROCESSING

Zoning ordinances can also include "designated zoning districts" to facilitate agricultural processing, manufacturing, and distribution. For example, **Burlington**, Vermont's Code of Ordinances creates the Agricultural Processing and Energy (E-AE) District "to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from renewable sources." Permitted uses in this district include agricultural uses, bakery retail and wholesale, community gardens, open air markets, warehouses, and wholesale sales. Cafés, food processing, small grocery stores (<10,000 SF), micro-breweries/wineries, recycling centers, solid waste facilities, and retail warehouses are conditional uses in this district. [55] Adopting zoning and other regulatory tools to support local and healthy food processing has the dual advantage of strengthening food systems and promoting economic development.

## FOOD RETAIL

### Home gardens, community gardens, and farms

Many cities permit the sale of produce grown on home gardens, community gardens, and farms within residential and other zoning districts. For example, **Kansas City**, Missouri's zoning code allows the on-site sale of food and/or horticultural produce grown in residential zoning districts. Sale is allowed either by-right or with a special use permit depending on whether the food production occurs on a home garden, community garden, or community supported agriculture farm. Whole, uncut, fresh food and/or horticultural products grown on home gardens, which are defined as "a garden maintained by one or more individuals who reside in a dwelling unit located on the subject property," may be donated or sold on-site in all residential districts within a reasonable time of its harvest. The sale may take place only between May 15 and October 15. Home gardens in residential zones whose produce is sold or donated are not allowed to

have row crops<sup>8</sup> in the front yard. Sale of produce grown on community gardens, defined as gardens operated by a group of individuals, may occur by right only on unoccupied sites (no buildings). Sale of produce grown on Community Supported Agriculture farms, which entail harvesting food for shareholder consumption, requires a special use permit. [31, 56]

**Providence**, Rhode Island's Code of Ordinances permits community gardens, crop farming, and truck gardening, "*including the sale of products or commodities raised on the premises provided that no retail stand or other commercial structure shall be located thereon*" in all zoning districts except the Conservation District. [57]

### Retail stores

Cities are also using regulatory incentives to encourage retail stores to carry healthy foods. For example, **New York City** combines regulatory tools (specifically zoning) with fiscal incentives to encourage grocery stores to carry fresh produce in underserved neighborhoods. The city offers density bonuses, reduced parking requirements, and "*as-of-right*" store site locations to entice grocery stores to locate in underserved areas as part of its FRESH Food Store Program. The purpose of the program is to bring and retain full-line grocery stores in underserved neighborhoods. A full-line FRESH grocery store is defined as:

a store where at least 6,000 square feet of floor area, or cellar space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:

(a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for

<sup>8</sup> "Row crops" are defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 5 feet from the side property lines or from the front of the principal building.

the sale of a general line of food products intended for home preparation, consumption and utilization; and

(b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

Upon certification by the Chairperson of the City Planning Commission, developments that include a certified FRESH store can obtain the following as-of-right incentives. Mixed-use buildings can have one additional square foot of residential floor area (above the zoned maximum) for each square foot of FRESH store. This density bonus is a lucrative incentive as mixed use buildings can obtain a maximum of 20,000 extra square feet for residential purposes by including a FRESH store. Additionally, with City Planning Commission authorization (which involves environmental review) the maximum building height can be increased by 15 feet. FRESH stores in most commercial districts have reduced parking requirements. FRESH allows for stores up to 40,000 square feet with no required parking along most pedestrian-oriented commercial streets and permits stores up to 15,000 square feet with no required parking in light manufacturing districts. Furthermore, FRESH stores less than 30,000 square feet are allowed "*as-of-right*" in light manufacturing districts. FRESH stores also receive fiscal incentives (described in the next section on fiscal incentives to promote healthy food retail). [58]

Some cities use regulatory tools to require food retail stores to carry fresh foods for sale. In **Minneapolis**, Minnesota all grocery stores, defined as "*a retail establishment that sells such products as staple foods, accessory food items, and household goods,*" licensed under this new ordinance are required to carry on a continuous basis five varieties of perishable vegetables and/or fruits, three varieties of meat (at least two of which are perishable), three varieties of bread and/or cereal (at least two of which are perishable), and three varieties of dairy products (at least two of which are perishable). Only specialty food stores, filling stations, and grocery stores located in the central commercial district are exempt from this requirement to carry fresh foods. [59]



### Farmers' markets

Zoning ordinances also support healthy food systems by recognizing farmers' markets as a "permitted use" within particular zoning districts. Some cities allow farmers' markets as-a-right in particular zoning districts such as downtown business (**Grand Junction, CO**), light commercial (Grand Junction, CO), general commercial (Grand Junction, CO), mixed use (Grand Junction, CO), light industrial (Grand Junction, CO; Little Elm, TX), and designated town parks (**Little Elm, TX**). [60, 61] **Durham**, North Carolina permits outdoor farmers' markets as-a-right in the Commercial Neighborhood, Light Industrial, and Downtown Design districts, with development plan approval in the Commercial Center and Mixed Use districts. [62] **Madison**, Wisconsin permits farmers' markets as-a-right in some districts (O-3, O-4, C-2, and M-1) and as a conditional use in the parking lot of nonresidential uses in other zoning districts (R-1, R4A, R1-R, and R-1R). [63]

Other cities require a special use permit for farmers markets. **Gainesville**, Florida permits farmers' markets on public or private property with a special use permit and subject to specific requirements. [64] Still other cities deem farmers' markets a temporary use in some zoning districts such as mixed-use commercial zone (**Grand Rapids, MI**). [65] In **Minneapolis**, Minnesota, farmers' markets are a temporary use in all

zoning districts except the I3 (general industrial) zoning district, subject to specific development standards. Additionally, farmers' markets in all residential districts and the OR1 (neighborhood office residence) district must be located on institutional or public sites or on zoning lots of not less than 20,000 square feet. [66]

Many cities specify standards for farmers' markets within their code (e.g. Chicago, IL; Philadelphia, PA; Sacramento, CA; San Francisco, CA). In **Chicago**, Illinois, growers/producers must obtain a permit from the commissioner of cultural affairs and special events to sell products at farmers' markets (\$25.00/day). Food products are designated as appropriate, prohibited, or restricted for sale. The Commissioner is charged with establishing operation days/times and locations upon the public ways and other city property (following consultation with affected city departments) to be designated as farmers' markets. [67]

In **Philadelphia**, Pennsylvania a license must be obtained to operate a farmers' market (\$300.00/year). Copies of the license must be provided to each farmers' market vendor. Designated permissible and prohibited locations for farmers' markets are established. Sanitation, stand design, and stand maintenance requirements are stipulated. [68]

In **Sacramento**, California the city manager, with approval from the city council, locates sites for producers' markets (farmers' markets). Producers' market vendors must obtain a permit from the health

officer for a daily fee. [69] In **San Francisco**, California, the Agricultural Commissioner is empowered to establish, maintain, and direct in the city and county one or more farmers' markets. The farmers' market must be located on a lot owned or leased by the city or county. Vendors are required to pay a fee to cover operating and maintenance costs of the market. Additionally, city policy stipulates that to ensure access to healthy food by low income residents and access to markets by regional farmers, the Commissioner shall conduct and submit annually to the Clerk of Board of Supervisors a needs assessment of neighborhoods to determine how many additional farmers markets can be supported without impacting viability of local businesses. [70]

### Fast Food Restaurants

Zoning ordinances also regulate the food environment by identifying particular land uses as "restricted" within a particular zoning district or within the entire jurisdiction. These restrictions are especially common for regulating fast food restaurants and impose different types of limits. Restrictions include: limits on total number of fast food establishments in a community (**Arcata, CA**); limits on density of fast-food establishments along the lot frontage on a public street (**Westwood Village, Los Angeles, CA**); limits on proximity to other land uses including existing fast food establishments (Warner, NH) or other land uses such as schools (**Detroit, MI**). In rare circumstances, zoning codes impose an outright ban on fast food restaurants (**Concord, MA**). [71-75]

## CONSUMPTION

### Healthy Eating and Obesity Prevention Resolutions

Some local governments aim to support healthy eating and prevent obesity through adoption of ordinances. Recently (January, 2011), the City of **El Paso**, Texas adopted a resolution, '**Obesity Prevention Action Plan**,' which commits to several policy actions to prevent obesity, and charges the City Manager to implement the actions. Developed by the Healthy Eating Active Living (HEAL) Coalition (convened by the Paso del Norte Health Foundation), the resolution recommends actions in the areas of 1) improving the built environment, 2) increasing access to healthy food, 3) establishing employee wellness programs and policies, and 4) increasing community involvement for improved nutrition and physical activity. Specific actions include charging the City Manager to review

the city's comprehensive plan, zoning ordinances, subdivision regulations and propose action to the Council on changes that would remove barriers to healthy eating and active living. The resolution further requires the City Manager to request a Health Impact Assessment for any large-scale development project. [76]

## DISPOSAL

Some cities include language relating to composting within their municipal codes. Many ordinances include specific location, materials, and performance standards to protect public health and eliminate potential nuisances (e.g. **Champaign, IL; Chicago, IL; North Kansas City, MO; Burnsville, MN**). [77-80] Some explicitly support sustainable food disposal methods. For example, the City of **Hutto**, Texas supports sustainable food disposal by providing "*opportunities for the placement of types of composting and recycling solutions*" within its 2009 form-based code. [44]



# Regulatory Tools to Support Healthy Food Systems

Food Production	
Supporting crop production through zoning and other regulations	
<b>Kansas City, MO</b>	* Permitted in all residential districts - Community Gardens (sale of products restricted)
<b>San Francisco, CA</b>	* Permitted as principal use in all residential districts - Community and Neighborhood Gardens (sale of products not allowed)  * Permitted as principal use in most commercial and manufacturing districts - Green houses, plant nurseries, and truck gardens  * Permitted as a conditional use in all residential districts - Green houses, plant nurseries, and truck gardens
<b>New Orleans, LA</b>	* Permitted use in all residential and commercial districts - Farms (on sites of at least five acres) and private truck gardens (sale of products not allowed)
<b>Austin, TX</b>	* Permitted use in most zoning districts - Farms of one to five acres (sale of products regulated)
<b>Forsyth, GA</b>	* Permitted accessory use to single-family detached dwellings located within traditional neighborhood development district (TND) - Non commercial gardens
<b>Denmark Township, MN</b>	* Permitted open space use within open space design district - agriculture, community gardens, and composting
<b>San Francisco, CA</b>	* In the process of modifying zoning code language to define and permit agricultural uses in all zoning districts by right or with conditional use authorization as well as permit the sale of fresh foods grown on site in all districts
<b>Boston, MA</b>	* Community Garden Open Space Subdistrict: permitted uses - "cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity"
<b>Mint Hill, NC</b>	* Permitted open space use within the Downtown Overlay A (DO-A) Neighborhood District - Community gardens (must follow general building design and architectural requirements)
<b>Cleveland, OH</b>	* Proposed Urban Garden Overlay District to provide appropriately located and sized land for agriculture use to facilitate local food production and improve community health
<b>Seattle, WA</b>	* Residents may plant food in the planting strip immediately abutting their residence  * Street use permit and accompanying fee not required  * Free street use permit to plant trees or install hardscape elements
<b>Minneapolis, MN</b>	* Planned Unit Developments must include 10 points worth of special amenities and an additional five points for each approved zoning alternative  * Green roofs are 10 points, community gardens are 5 points, living wall systems are 3 points
<b>Milford, DE</b>	* 5% density bonus to Planned Residential Development projects that reserve additional common land for community gardens
<b>Hutto, TX</b>	* A form based "SmartCode" incorporates multiple forms of food production (farms, agricultural plots, vegetable gardens, urban farms, community gardens, green roofs, and vertical axis gardening) within five of the six transect zones as-of-right or by warrant
<b>Minneapolis, MN</b>	* City council approved a "Real Estate Disposition Policy" which outlines the process of selling excess city-owned vacant non-buildable lots to nonprofit corporations or public agencies for use as community gardens
<b>Hartford, CT</b>	* Hartford's Parks and Recreation Advisory Commission administers a municipal gardening program to encourage the interim use of vacant city-owned land for community gardening
<b>Utica, NY</b>	* Commissioner of Urban and Economic Development manages the Utica Community Gardening Program to negotiate the interim use of vacant city-owned land for community gardening
<b>Rochester, NY</b>	* Director of Real Estate is charged with issuing garden permits for the interim use of vacant city-owned land for community gardening

**Ordinances permitting agricultural livestock – chickens, bees, and goats – in cities**

<b>Madison, WI</b>	* Four chickens per residential lot with up to four dwelling units – license required (\$10/yr)
<b>Rochester, NY</b>	* 30 fowl max in an open area of 240 SF (for personal use only) – license required (\$37/yr)
<b>Cleveland, OH</b>	* Residential: One chicken, duck, rabbit per 800 SF; one rooster, goose, turkey per 1 acre * Non-Residential: One chicken, duck, rabbit per 400 SF; one rooster, goose, turkey per 1 acre * Proposed Urban Garden Overlay District: One small animal per 100 SF; one rooster per 10,000 SF * License required
<b>Seattle, WA</b>	* Eight domestic fowl may be kept on any lot in addition to small animals - No roosters * Lots over 10,000 SF with a community garden or urban farm - one additional fowl per 1,000 SF over 10,000 SF
<b>Mountain View, CA</b>	* Four hens without a permit if enclosure is more than 25 ft away from neighboring residences
<b>Cleveland, OH</b>	* Residential: one goat, pig, sheep per 24,000 SF (max 2 if parcel 26,400 SF+) * Non-Residential: one goat, pig, sheep per 14,400 SF (max 2 if parcel 15,600 SF+) * Proposed Urban Garden Overlay District: one medium animal per 4,000 SF; one large animal per 8,000SF * License required
<b>Rochester, NY</b>	* One cow per standard city lot, 15 cows max per acre – License required (\$37/yr) * Other non-wild animals - one SF for each pound of weight – License required (\$37/yr)
<b>Seattle, WA</b>	* Up to 4 small animals on lots of at least 20,000 SF - 1 additional for each 5,000 SF * Potbelly pigs may be kept as a small animal but must be less than 22 inches tall and 150 lbs * Miniature goats may be kept as a small animal but must be neutered and dehorned * Cows, horses, sheep on lot of at least 20,000 SF. Must have 10,000 SF per animal * License required for miniature goat (\$20/yr) and potbelly pig (New \$120; Renew \$30/yr)
<b>Cleveland, OH</b>	* Residential: one beehive per 2,400 SF * Non-Residential: one beehive per 1,000 SF * Proposed Urban Garden Overlay District: one beehive per 1,000 SF * License required
<b>Minneapolis, MN</b>	* 1/2 acre or smaller lots may have 2 colonies; 1/2 acre to 3/4 acres may have 4 colonies; 3/4 acre to 1 acre may have 6 colonies, 1 acre to 5 acres may have 8 colonies * Must have 100% approval from adjoining neighbors and 80% approval from others within 100 ft * If proposed hive location is greater than 4 acres, distances increase for required approval * Permit required (New \$100.00, Renewal \$50.00 yearly)
<b>Seattle, WA</b>	* No more than 4 beehives on lot less than 10,000 SF
<b>Food Processing</b>	
<b>Burlington, VT</b>	* Agricultural Processing and Energy (E-AE) District: permitted uses - manufacturing, processing, and distribution of agricultural goods and products, and generation of energy from renewable sources

Food Retail	
Home gardens, community gardens, and farms	
<b>Kansas City, MO</b>	* On-site sale of produce by right or with a special use permit in residential zoning districts depending on garden type
<b>Providence, RI</b>	* On-site sale of produce (provided no retail stand or commercial structure) permitted in all zoning districts except Conservation District
Retail stores	
<b>New York, NY</b>	* FRESH Food Retail Store Program  * Density Bonus - One additional SF of residential floor area for each SF of FRESH store in a mixed use building, up to 20,000 SF; Increase in max building height 15 feet (with authorization)  * Off Street Parking – No required parking for FRESH stores up to 40,000 SF along most pedestrian oriented commercial streets and stores up to 15,000 SF in light manufacturing districts
<b>Minneapolis, MN</b>	* New grocery stores must offer for sale, on a continuous basis 5 varieties of perishable vegetables and/or fruits, 3 varieties of meat (at least 2 perishable), 3 varieties of bread and/or cereal (at least 2 perishable), and 3 varieties of dairy products (at least 2 perishable)
Farmers' markets	
<b>Grand Junction, CO</b>	* Permits farmers' markets as-a-right in several commercial and mixed-use districts
<b>Little Elm, TX</b>	* Permits farmers' markets as-a-right in light commercial and industrial districts and designated town parks (subject to regulation)
<b>Durham, NC</b>	* Permits outdoor farmers' markets as-a-right in the Commercial Neighborhood, Light Industrial, and Downtown Design districts  * Permits outdoor farmers' markets subject to limitations in the General Commercial and University and College districts  * Permits outdoor farmers' markets with development plan approval in the Commercial Center and Mixed Use districts
<b>Madison, WI</b>	* Permits farmers' markets as-a-right in several office, commercial, and manufacturing districts  * Permits farmers' markets as a conditional use in the parking lots of nonresidential uses located within several residential districts
<b>Gainesville, FL</b>	* Permits farmers' markets on public or private property with a special use permit (subject to regulations)
<b>Grand Rapids, MI</b>	* Permits farmers' markets as a temporary use in mixed-use commercial zone districts (subject to regulations)
<b>Minneapolis, MN</b>	* Permits farmers' markets as a temporary use in all zoning districts except one (subject to regulations)
<b>Chicago, IL</b>	* Growers/producers must obtain a permit to sell produce at farmers' market (\$25.00/day)  * Food products are designated as appropriate, prohibited, or restricted for sale  * Commissioner of cultural affairs and special events establishes operation days/ times and locations of farmers' markets
<b>Philadelphia, PA</b>	* License required to operate a farmers' market (\$300.00/year)  * Sanitation, stand design, stand maintenance requirements as well as prohibited conduct and penalties fixed  * Permissible and prohibited locations for farmers' markets established



<b>Sacramento, CA</b>	<ul style="list-style-type: none"> <li>* Producers' market vendors must obtain a permit for a daily fee</li> <li>* City manager will locate a site for a producers' market (farmers' market)</li> </ul>
<b>San Francisco, CA</b>	<ul style="list-style-type: none"> <li>* Agricultural Commissioner empowered to establish, maintain and direct in the city and county one or more farmers' markets</li> <li>* Must be located on a lot owned or leased by the city or county</li> <li>* Vendors must pay fee - Rules, regulations, and penalties are established</li> <li>* All markets must be equipped to accept all forms of payment provided by federal, state, or local food assistance programs</li> <li>* Agriculture Commissioner must perform an annual needs assessment determining low income areas without access to healthy food which could benefit from a farmers' market</li> </ul>
<b>Fast food restaurants</b>	
<b>Arcata, CA</b>	<ul style="list-style-type: none"> <li>* Limits the number of formula restaurants<sup>1</sup> to nine establishments; a new formula restaurant<sup>9</sup> may be opened only if it replaces an existing one</li> </ul>
<b>Westwood Village, Los Angeles, CA</b>	<ul style="list-style-type: none"> <li>* Limits the number of fast food restaurants in a particular neighborhood (Westwood Village); a maximum of one fast food restaurant for every 400 feet of lot frontage along any public street, except Broxton Avenue, which may have one per 200 feet. Includes an exception: "[f]ast food establishments need not be spaced at said intervals, provided that the total number along any public street does not exceed the above ratios."</li> </ul>
<b>Warner, NH</b>	<ul style="list-style-type: none"> <li>* Drive-in and fast food restaurants must be separated from other similar establishments by at least 2,000 feet measured along and/or across highway rights-of-way</li> </ul>
<b>Detroit, MI</b>	<ul style="list-style-type: none"> <li>* Fast-food or carry-out restaurants must be located a minimum distance of 500 feet away from the nearest point of a school</li> </ul>
<b>Concord, MA</b>	<ul style="list-style-type: none"> <li>* Outright ban on all drive-in or fast food restaurants</li> </ul>
<b>Consumption</b>	
<b>El Paso, TX</b>	<ul style="list-style-type: none"> <li>* The Obesity Prevention Action Plan charges the City Manager to improve the built environment, increase access to healthy foods, create employee wellness programs and policies, and increase community involvement for improved nutritional and physical activity</li> <li>* The City Manager must report annually to the City Council</li> </ul>
<b>Disposal</b>	
<b>Champaign, IL</b>	<ul style="list-style-type: none"> <li>* Permits composting subject to location, materials, and performance standards</li> </ul>
<b>Chicago, IL</b>	<ul style="list-style-type: none"> <li>* Permits composting subject to location, materials, and performance standards</li> </ul>
<b>North Kansas City, MO</b>	<ul style="list-style-type: none"> <li>* Permits composting subject to location, materials, and performance standards</li> </ul>
<b>Burnsville, MN</b>	<ul style="list-style-type: none"> <li>* Permits composting subject to location, materials, and performance standards</li> </ul>
<b>Hutto, TX</b>	<ul style="list-style-type: none"> <li>* A form based "SmartCode" provides "opportunities for the placement of types of composting and recycling solutions"</li> </ul>

<sup>9</sup> The code defines a formula restaurant as a restaurant that is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture, signs or similar standardized features and which causes it to be substantially identical to more than 11 other restaurants regardless of ownership or location.

# FISCAL INCENTIVES TO PROMOTE HEALTHY FOOD ENVIRONMENTS

Fiscal incentives can support a healthy food system and create a healthy food environment. Fiscal incentives can be provided through loans and/or grants to businesses that increase residents' access to healthful foods. These incentives may be combined with regulatory tools to build healthy food systems. Occasionally fiscal incentives may be provided by reducing or waiving permitting and license fees to developments and businesses that bring healthy foods to residents (farmers markets, fresh food mobile vending, and green grocers). Fiscal incentives are offered at both the local government level as well as by states.

## FOOD PRODUCTION

### Grants for urban agriculture and community gardens

Local governments offer grants to support food production through community gardening or urban agriculture in cities. The City of **Madison**, Wisconsin has long provided funding to the local Community Action Coalition agency for their programming that supports community gardens in income-eligible neighborhoods. In 2010 and 2011 the City of Madison awarded \$43,689 and \$56,328 respectively in federal Community Development Block Grant funds to support community gardens. [81]

In April 2011, the City of **Milwaukee**, Wisconsin awarded a federally-sponsored<sup>10</sup> \$425,000 urban agriculture grant to Growing Power, Inc, a land trust committed to providing equal access to healthy, high quality, safe, and affordable food for people in all communities. Growing Power will build 150 hoop house gardens on vacant land within the city and train unemployed city residents in the practice of urban agriculture. The proposed gardens aim to create 150

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10 Funds for the grant come from the federal Housing and Urban Development funding and will be administered by Milwaukee's Community Development Block Grant office. Growing Power is required to match the grant dollar for dollar.

new full-time jobs to be filled by the trained unemployed city residents. [82]

### Levy to support community gardens

Demand for community gardens in **Seattle**, Washington has increased dramatically in recent years. In 2008, citizens passed a "*Parks and Green Space Levy of which \$2 million has been dedicated to the development of new P-Patch community gardens.*" [83] For additional discussion of the P-Patch Program see the final section entitled "[Local government departments engaged in food-related work.](#)"

### Reduced permit fees for water usage in community gardens and urban agriculture

A number of local governments modify permitting fees and platting requirements to support urban agriculture and community gardens. **Cleveland**, Ohio's vacant land plan "*Re-Imagining a More Sustainable Cleveland: Citywide Strategies for Reuse of Vacant Land,*" adopted in 2008, an innovative policy recommendation to streamline gardeners/farmers access to affordable water for irrigation purposes. [84] According to this policy, which has since been implemented by the Cleveland- Cuyahoga County Food Policy Coalition in partnership with the Cleveland Division of Water, gardeners/farmers may now purchase seasonal unmetered access to fire hydrants for reduced costs based on the garden's acreage. The cost of seasonal water permits for gardens smaller than two acres is \$92.80 and for those larger than two acres is \$146.60. [85]

Some cities, such as **Austin**, Texas, encourage local food production by waiving platting requirements and water impact fees for community gardens. Community gardens require a permit, which must be filed for by a non-profit organization. The city may temporarily exempt a parcel of land from platting requirements if the sole purpose of the parcel is a community garden. Additionally, a water impact

fee may not be assessed until the garden permit terminates. [86]

# FOOD RETAIL

## RETAIL STORES

### Fiscal incentives – fresh food financing

A growing number of local governments provide loans and or grants to increase the number of, and improve the quality of foods carried by, food retail stores – a strategy commonly labeled as “fresh food financing.” A recent initiative by the **City of New York** provides significant fiscal incentives through the New York City Economic Development Corporation’s Industrial Incentive Program to FRESH stores (see definition on page 21). These incentives include real estate tax reductions for both land and building, sales tax exemptions, and a mortgage recording tax waiver as described below:

- Land taxes in an amount of \$500 multiplied by each full-time employee or part-time equivalent at time of application, may be abated for 25 years. The full value of land taxes may be abated for project sites located within Empire and Empowerment Zones. A phase-out of the benefit begins in year 22 and continues through year 25 at 20 percent each year. In year 26, land taxes increase to full amounts.
- Building taxes may be stabilized at the pre-improvement assessed value for 25 years. A phase-out of the benefit begins in year 22 and continues through year 25 at 20 percent each year. In year 26, building taxes increase to full amounts.
- The 8.875 percent sales tax on materials used to construct, renovate or equip facilities may be waived.
- Mortgage recording tax relating to the project’s financing, equal to 2.05 percent of the mortgage amount for mortgages of \$500,000 or less, and 2.80 percent for mortgages greater than \$500,000, may be waived.

The FRESH Food Store Program’s financial incentive package helps support businesses during a typically difficult startup phase. [87]

Using a slightly different approach, **Birmingham**, Alabama’s Division of Economic Development has created a fiscal incentive package to attract new supermarkets and grocery stores to underserved areas of the city. The city will provide developers or owners a 1, 3, and 5-mile demographic package for any potential store location. A new store may receive financial assistance based on several criteria such as its proposed size, location, and degree to which it is considered “*full service*” as well as the severity of need. All incentives are approved by the mayor and city council. If the building or site is city-owned, then the title can be transferred to the developer or store owner at minimal cost; if the building or site is not city owned, then the city will consider filling gaps in purchase cost, site preparation, and development costs. The city will reimburse new store owners annually for five years a negotiated percentage of new revenues collected. The city will also make improvements to public rights-of-ways such as constructing and repairing sidewalks, streetscaping, and storm water drainage using money from a \$4 million fund established through the capital budget. [88]

The City of **Minneapolis**, Minnesota has developed a “**Healthy Corner Store Program**” to increase resident’s access to affordable fresh produce and healthy foods. Implemented by the Minneapolis Department of Family Health and Support (MDHFS), the program, which has initially partnered with ten convenience stores, provides the stores with:

- (1) assistance in improving store layout to visually highlight fresh produce and healthy foods;
- (2) in-store marketing for fresh produce and healthy foods (shelf signs, posters, flyers, etc.);
- (3) assistance in promoting store changes to neighborhood residents;
- (4) information and training on purchasing, pricing, stocking and marketing healthy foods; and
- (5) small business development resources from the City of Minneapolis such as loan opportunities

To participate, stores must increase their inventory of fresh produce, display marketing material, participate in a training program, and record and share sales information with MDHFS. As of December 2010 the

city has invested about \$62,500 in the **Healthy Corner Store Program**. [89]

Although not a program run by a local government, the **Pennsylvania** Fresh Food Financing Initiative (FFFI) is worthy of note as one of the earliest programs created by a (state) government to develop supermarkets and grocery stores in underserved neighborhoods by providing grants and loans. This program, managed by The Reinvestment Fund (TRF), with support from The Food Trust, and the Urban Affairs Coalition, provides grants up to \$250,000 per store. Monies can be used for pre-development costs such as market studies, land assembly and site preparation, soft costs such as workforce training, and construction. Loans are also available for acquisition, equipment, construction, improvements, and energy efficiency measures. Eligible stores “are located in a low- to moderate-income census tract, provide a full selection of fresh foods, and locate in areas that are currently underserved.” As of December 2010, TRF has matched the State’s \$30 million grant with \$146 million in additional investment. Thus far the program has supported 88 stores, providing more than \$73.2 million in loans and \$12.1 million in grants. These projects are expected to bring 5,023 jobs and 1.67 million square feet of commercial space. [90] The FFFI has served as a model for subsequent fresh food financing initiative throughout the country.

## HEALTHY MOBILE VENDING

### Loans and grants

Loans and grant programs are also used to support healthy mobile vending. In **New York City** a “**Green Cart Initiative**” was launched in March 2008 to provide funding for mobile food carts which offer fresh produce. Implemented by the New York City Department of Health and Mental Hygiene, the program provides “*micro-loans and technical assistance for Green Cart operators, as well as branding, marketing, and outreach to encourage residents of the Green Cart areas to purchase fresh produce from the carts.*” The program will support a total of 1,000 Green Carts spread throughout the city in designated areas of need. The program is supported by a \$1.5 million grant from the Laurie M Tisch Illumination Fund. [91, 92]

### Reduced permitting fees and location incentives

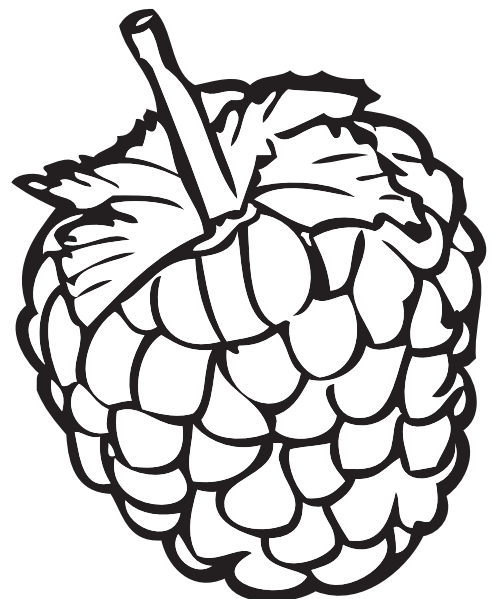
Local governments offer reduced permitting fees and location incentives to increase healthy vending. In Kansas City, Missouri the city’s Park and

Recreation Department has created an incentive package for mobile food vendors who carry healthy food. Incentives depend on what percentage of goods offered for sale are deemed “*healthy.*” If 50% of items for sale adhere to specific nutrition guidelines, vendors receive a 50% reduction in the cost of a Parks and Recreation Vending Permit. If 75% of items for sale adhere to the nutrition guidelines then vendors receive a “*roaming*” Parks and Recreation Vending Permit. This permit allows vendors to vend in three parks. Vendors are required to sell the healthy food at no more than 10% over the price of similar non-healthy foods. [93]

## FARMERS MARKETS

### Grant support

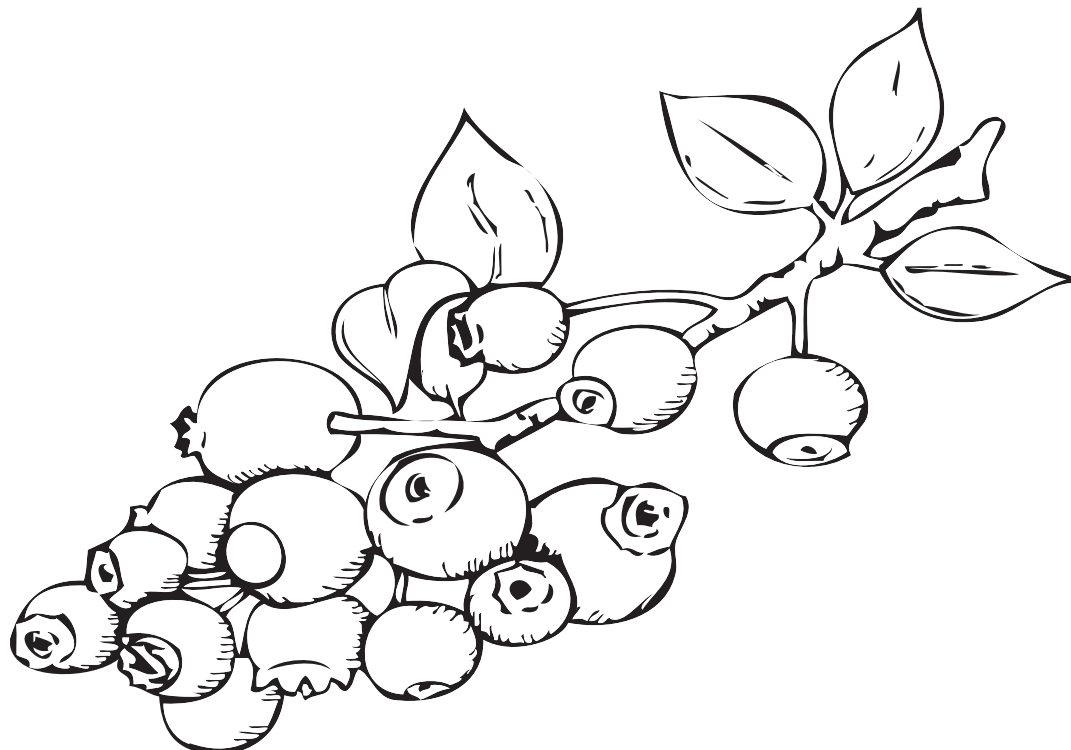
Similar to retail stores and community gardens, farmers’ markets have been supported by start-up funds from local governments. For example, in 2009 the City of Madison, Wisconsin awarded \$10,835 of start-up funding to a coalition of neighborhood groups to support the establishment of a neighborhood farmer’s market as part of a larger strategy to provide fresh, healthy food options in an area lacking fresh and affordable food options. [81]



# FISCAL INCENTIVES to Promote Healthy Food Environments

Food Production	
Grants for urban agriculture and community gardens	
<b>Madison, WI</b> Funding Source Community Block Grant	* In 2010 and 2011, the city gave about \$45,000 and \$56,328 of federal community block grant funds to the Community Action Coalition, to support community gardens
<b>Milwaukee, WI</b> Funding source federal Housing and Urban Development funds	* In 2011, the city awarded \$425,000 in federal HUD funds to Growing Power Inc. to create 150 new hoop houses, create 150 new jobs to be filled by unemployed workers, and provide urban agricultural training to these workers
Levy to support community gardens	
<b>Seattle, WA</b> Managed by the Dept. of Neighborhoods	<p>* The Seattle Department of Neighborhoods P-Patch Community Gardening Program provides funds to create, develop, and manage community gardens</p> <p>* New gardens are being built with a \$2 million fund obtained in 2008</p>
Reduced permits fees for water usage in community gardens and urban agriculture	
<b>Cleveland, OH</b> Provided by the Cleveland Division of Water	* Gardeners/farmers may purchase seasonal unmetered access to fire hydrants for irrigation purposes for reduced cost depending on garden size. Community gardens smaller than 2 acres pay \$92.80 and gardens larger than 2 acres pay \$146.60.
<b>Austin, TX</b> Provided by the City	* City-supported community gardens may be exempt from platting and water impact fees
Food Retail	
Retail stores	
<b>New York, NY</b> Managed by the Economic Development Corp.	* FRESH Food Store Program: Real estate tax reduction for 25 years, sales tax exemption on construction materials, and mortgage recording tax deferral
<b>Birmingham, AL</b> Managed by the Birmingham, Alabama's Division of Economic Development	<p>* Depending on established criteria (such as location of full-service grocery store, type of building, etc.) new full-service grocery store may get some or all of the following incentives:</p> <p>* If building city-owned, title transferred for minimal cost; if not city-owned, city will consider participating in the purchase cost and site prep</p> <p>* City will provide gap financing depending on the location and severity of need</p> <p>* During first five years of new store the City will reimburse annually a percentage of new revenues collected</p> <p>* The City will improve local public rights-of-ways (such as sidewalks, drainage, etc.)</p>

<p><b>Minneapolis, MN</b>          Managed by the Minneapolis Department of Family Health and Support</p>	<p>* Minneapolis Department of Family Health and Support partners with 10 convenience stores to assist in improving store layout to highlight healthy food, create in-store marketing for healthy food, promote store changes to neighborhood residents, provide information and training on purchasing, pricing, stocking, and marketing healthy food, and provide loan opportunities</p> <p>* As of December 2010 the city has invested about \$62,500 in the program</p>
<p><b>Pennsylvania</b>          Managed by The Reinvestment Fund, The Food Trust, and Greater Philadelphia Urban Affairs Coalition</p>	<p>* Pennsylvania Fresh Food Financing Incentive provides grants and loans to qualified retail enterprises for predevelopment costs including land acquisition financing, equipment financing, capital grants for project funding gaps, construction and permanent finance, and workforce development</p> <p>* Eligible stores are located in low- to moderate-income census tracts, provide a full selection of fresh foods, and locate in areas that are currently underserved</p> <p>* \$120 million fund - \$250,000 limit per store</p>
<p>Healthy mobile vending</p>	
<p><b>New York, NY</b>          Managed by the New York City Department of Health and Mental Hygiene</p>	<p>* The Green Cart Initiative provides micro-loans and technical assistance for vendors selling raw fruits and vegetables as well as branding, marketing, and outreach to encourage residents to buy from the carts</p> <p>* The Laurie M Tisch Illumination Fund has provided a \$1.5 million grant in support of the program</p>
<p><b>Kansas City, MO</b>          Managed by the Kansas City Parks and Recreation Department</p>	<p>* Mobile food vendors in city parks get a 50 percent discount on their annual park vending permit if half the food they offer meet certain nutritional standards</p> <p>* They also get greater access to parks and prime locations if they increase the amount of healthy food they offer to 75 percent</p>
<p>Farmers markets</p>	
<p><b>Madison, WI</b>          Funds from Community Development Block Grants</p>	<p>* In 2009 the city awarded \$10,835 to support the development of a neighborhood farmer's market</p>



# LOCAL GOVERNMENT Institutions and Programs to SUPPORT HEALTHY FOOD SYSTEMS

Traditionally local governments played a minimal role in the food system. Few municipally-supported institutional structures exist to oversee and support systemic transformation of food systems. In recent years, new institutional mechanisms have emerged to support food policy work. Some local government agencies now engage directly in food policy and planning initiatives. Agencies and departments typically involved in food-related policy and planning include departments of planning/economic development (e.g. Dane County, WI), neighborhoods (e.g. Seattle, WA), public health (e.g. Minneapolis, MN), and sustainability (e.g. Indianapolis, IN). A more promising institutional solution to address local and regional food policy is the emergence of food policy councils (FPC), or public-private advisory councils charged with facilitating sustainable and healthy food systems. Selected efforts are described below.

## Local government departments engaged in food-related work

Although no department of food systems exist within local governments in the United States, as evident in preceding sections many local government agencies are actively working to build healthy food systems. For example, in **Seattle**, Washington, the Department of Neighborhoods operates 'P-Patch,' a Community Gardening Program to support, develop, and manage community gardens throughout the city. The P-Patch program develops gardens and leases garden plots for a minimal annual fee. Plot fee assistance is available for those in need. The gardens are open to all community members to enjoy the space and learn about gardening. Gardeners are encouraged to share any excess produce. In 2010 P-Patch gardeners donated 20,889 pounds (41,778 servings) of fresh produce to the Seattle food banks

and feeding programs. The P-Patch Program also supports two different models of market gardening in low income communities where produce is sold. In one model, gardeners work together to accomplish the programs mission to help establish safe, healthy communities and economic opportunities through weekly farm stands and CSA subscriptions in low-income neighborhoods. In the other model, participants maintain individual market garden plots and market the produce that they themselves grow. [83, 94]

In **Indianapolis**, Indiana, the Indianapolis Office of Sustainability, the Department of Metropolitan Development and the Indianapolis Land Bank developed the Indy Urban Garden Program to convert abandoned and underutilized land to community gardens. The city facilitates communication between interested community members, urban gardeners, and farmers' markets, and hosts an annual Urban Farming Forum. The city has recently set aside over 100 city-owned plots with five year leases for the creation of community gardens. As of April 1, 2011, thirteen of the lots were active. [95, 96]

In **Dane County**, Wisconsin, the Institutional Food Market Coalition (IFM) was established in 2006 as an economic development program of the Dane County Planning and Development Department. Championed by the former County Executive and the Board of Supervisors, the coalition is composed of institutional buyers, distributors, local growers, local food businesses, the UW-Extension, Wisconsin DATCP, and food systems professionals. IFM's purpose is to:

- Expand market opportunities for Dane County and regional growers
- Increase sales of local Wisconsin food into institutional markets

- Connect large volume institutional buyers, such as hospitals, universities, nursing homes, prisons, office parks and large businesses with local Wisconsin product
- Identify and resolve obstacles to local sourcing

The program has been extremely successful. In 2010, IFM generated \$1.5 million in local food sales (wholesale) through programs and events including the IFM Local Sourcing E-News, IFM Local Foods Program, IFM Annual Meeting, and IFM Local Food Sales Meeting. According to detailed surveys sent to Coalition stakeholders, 29 jobs were created or retained in 2010 due to increased local food sales. An estimated five million institutional meals used local foods due to work of IFM and partners, bringing fresh Wisconsin food to residents. IFM achieved these results by aggressively marketing 55 Wisconsin local food businesses and farms, working with seven distributors to develop local foods programs, sending the IFM Local Sourcing E-News to over 400 institutions, and creating and disseminating information and materials to buyers that help develop the institutional local food market throughout the year. [97, 98]

A handful of local and regional governments are also engaging in improving the food system in a comprehensive manner. Homegrown **Minneapolis** (Minnesota) is a local government sponsored *"citywide initiative to develop recommendations and implement strategies to increase and improve the growing, processing, distribution, consumption and waste recovery of healthy, sustainable, locally grown foods."* Created about two years ago by the Mayor and Minneapolis Department of Health and Family Support, the initiative has worked with community groups in creating policy and programs to improve the food system. The initiative created a streamlined application and process for leasing and starting community gardens. Eighteen plots of city-owned land are newly available for community gardens. Its City Trees program resulted in planting of 275 fruit trees city wide. The initiative funded a Food Preservation Network, which teaches canning techniques, and a Local Food Resource Network, which links food systems stakeholders. The initiative has promoted mini farmers markets to bring fresh food to underserved neighborhoods, launched the use of Electronic Benefits Transfer at local farmers markets and arranged a Community Supported

Agriculture program for City Hall employees. The initiative inventoried 30 community kitchens and expanded an organics recycling program. More than 700 cubic yards of free and reduced-rate compost was provided to local gardens and raised gardening beds were installed at local fire stations. They also funded the Yards to Gardens website to connect gardeners with potential gardens. Most recently, the effort launched a Homegrown Business Development Center to provide technical assistance and financing for Minneapolis based businesses for production, distribution, marketing and manufacturing of local food products. Lastly, Homegrown Minneapolis has championed several food-related ordinances including a bee ordinance, allowance of indoor farmers markets, and fresh fruits and vegetable requirements in corner stores. Homegrown also led the efforts to develop an Urban Agriculture Policy Plan, which has since been adopted by the city (**see page 11**). [99, 100]

### Food Policy Councils

In addition to agency-led efforts such as those described above, local governments and communities are increasingly tackling food policy through advisory bodies known as Food Policy Councils (FPCs). While the structure of FPCs varies widely, most are comprised of individual stakeholders of the food system and local government representatives who work together to make systemic improvement in a community's food system. One of the earliest food policy councils in the country was established 30 years ago in Knoxville, TN in 1982 and today there are more than 100 FPCs in the country. FPCs increase the likelihood that food policies are developed and implemented.

Food policy councils are often recognized by local governments through official resolutions. For example, the City Council of **Hartford**, Connecticut established the Hartford Advisory Commission on Food Policy in 1991 to act as an advisory body on city food issues. The commission began with four goals: *"to eliminate hunger as an obstacle to a happy, healthy and productive life in the city;"* to ensure availability of *"a wide variety of safe and nutritious food"* for city residents; *"to ensure that access to food is not limited by economic status, location or other factors beyond a resident's control;"* and *"to ensure that the price of food in the city remains at a level approximating the level for the state."* As food insecurity mounts due to the national recession, the Commission continues to offer guidance on food policy to the city. For example,



the Commission recommends expansion of enrollment in the SNAP Program by increasing the number of staff to process new applications; continuation of a Food Pantry Grant program without reductions in funding; use of local resources by city government to increase awareness of both the WIC Program and the Summer Food Service Program; adoption of a trans-fat ban using a phased implementation plan; requiring chain restaurants to post calorie counts for their food and all restaurants to post their most recent health inspection scores; and lastly, promotion of community gardens and urban agriculture on vacant land by city government. [101, 102]

Food policy councils are often staffed by city employees. For example, the **Portland** Multnomah Food Policy Council (Oregon), formed in 2002 as a citizen-based advisory council to the city of Portland and Multnomah County, is staffed through the Sustainable Food Program, a program of the city's Bureau of Planning and Sustainability. The goals of the FPC are to: *"(1) educate and compile information about the local food system; (2) develop strategies to enhance the environmental, economic, social and nutritional health of the City of Portland and Multnomah County; (3) affect and develop food policy and; (4) advocate and advise on policy implementation."* The council has most recently provided input for the 2009 Climate Action Plan, championed the creation of community gardens at Portland City Hall and at the Multnomah County Headquarters, and launched the Multnomah Food Initiative. [103, 104]

Food policy councils may emerge following assessment of a community's food system or food environment. In **Missoula County**, Montana, the Community Food and Agriculture Coalition (CFAC) was formed after the recommendation of a 2004 community food assessment to establish a food policy council. Originally formed by a joint city/county resolution, the coalition works independently from the government although maintains close ties. The mission of this coalition is *"to develop and strengthen Missoula County's food system: promoting sustainable agriculture, building regional self-reliance; and assuring all citizens equal access to healthy, affordable, and culturally-appropriate food."* *"CFAC facilitates dialogue, education, and collaboration within the community, encouraging creative problem-solving and proactive policy advocacy."* The coalition places great emphasis on conserving working agricultural lands. Their strategy is to grow markets for local food through

a Farm to School Program, providing EBT (SNAP) technology at farmers markets, and the Buy Fresh, Buy Local restaurant initiative. They also are developing farm and ranch land conservation strategies and are helping beginning farmers and ranchers get started. Finally, the coalition championed a chicken ordinance in Missoula City which was adopted in 2007. [105]

Food policy councils provide informed guidance on food policy to local governments. The **New Orleans** Food Policy Advisory Committee, an independent advisory committee established through a resolution of the city council in 2007, provides guidance through published reports. [106] The FPC's report, *"Building Healthy Communities: Expanding Access to Fresh Food Retail,"* provides ten policy recommendations for both the city of New Orleans as well as the state of Louisiana. Recommendations include provision of grant and loan programs, improving transportation and security, and reducing regulatory barriers to businesses that sell fresh food. [107] This FPC is also focused on improving school food. A report, *"Stepping Up to the Plate,"* provides eight policy recommendations on the use of affordable, fresh, local, nutritious food in schools as well as food education for students and school chefs. [108]

Food Policy Councils offer a useful mechanism for community members, food system stakeholders and local government representatives to work collaboratively in making systemic improvements in the food system.

# Local Government Institutions and Programs to Support Healthy Food Systems

Local government departments engaged in food-related work	
<p><b>Seattle, WA</b> Dept. of Neighborhoods</p>	<p>* P-Patch Community Gardens was established by the Seattle Department of Neighborhoods in the 1970's to support, develop, and manage community gardens</p> <p>* The program currently oversees 76 P-Patches</p>
<p><b>Indianapolis, IN</b> Office of Sustainability, Dept. of Metropolitan Development, and Indianapolis Land Bank</p>	<p>* Indy Urban Garden Program was established by the Indianapolis Office of Sustainability, the Department of Metropolitan Development and the Indianapolis Land Bank to make abandoned and underutilized land available for community gardens</p> <p>* So far, over 100 city plots have been set aside for urban gardening for 5 year leases</p>
<p><b>Dane County, WI</b> County Planning and Development Department</p>	<p>* The Institutional Food Market Coalition (IFM) was established as a program of the Dane County Planning and Development Department in 2006 to "expand market opportunities for Dane County and regional producers and connect large volume buyers with local Wisconsin product"</p>
<p><b>Minneapolis, MN</b> Minneapolis Dept. of Health and Family Support</p>	<p>* Homegrown Minneapolis - "A citywide initiative to develop recommendations and implement strategies to increase and improve the growing, processing, distribution, consumption and waste recovery of healthy, sustainable, locally grown foods." Projects include: community gardens expansion, City Trees program, Urban Agriculture Policy Plan, EMERGE youth community garden, food preservation network, local food resource network, mini farmers markets expansion, EBT at farmers markets, CSA for City employees, community kitchens inventory, organics recycling program, micro scale composting, Homegrown Business Development Center and Yards to Gardens website.</p>
Food policy councils	
<p><b>Hartford, CT</b> Established by council resolution (1991) Advisory body to the City Council and Mayor</p>	<p>* The Hartford Advisory Commission on Food Policy was established by the Hartford City Council and acts as an advisory body to the City Council and the Mayor.</p> <p>* Recent recommendations include expanding enrollment in the SNAP program, continuing the food pantry grant program, increasing awareness of the WIC program, supporting the summer food program, supporting farmers markets, banning trans fatty acids, showing calorie counts at chain restaurants, creating transparency in restaurant scoring, and promoting community gardens and urban agriculture at the Plaza Mayor Site</p>
<p><b>Portland, OR</b> Established by city/county resolution (2002) Advisory council to the City of Portland and Multnomah County</p>	<p>* The Portland Multnomah Food Policy Council "is a citizen-based advisory council to the City of Portland and Multnomah County"</p> <p>* It aims to improve residents access to a wide variety of nutritious, affordable food, grown locally and sustainably</p>
<p><b>Missoula County, MT</b> Established by city/county resolution (2004) Independent Coalition</p>	<p>* Community Food and Agriculture Coalition aim to develop and strengthen the food system by promoting sustainable agriculture, building regional self-reliance, and ensuring all citizens equal access to healthy, affordable, and culturally-appropriate food</p> <p>* Originally formed by a joint city/county resolution, it now works independently from the government although maintains close ties.</p>
<p><b>New Orleans, LA</b> Established by city resolution (2007) Independent Committee</p>	<p>* The New Orleans Food Policy Advisory Committee works to improve food access for New Orleans residents</p> <p>* The committee is an independent coalition including a New Orleans City Council advisory member which provides policy recommendations to the New Orleans City Council</p>

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