The Industrial Zoning Crisis

By John Mullin and Zenia Kotval, AICP

Across the United States, there has been increasing protest over the placing of industrial land uses. While confrontation appears to be common in all types of communities, it appears to be particularly severe in rural and exurban communities. This trend has many causes. Some are based on past experiences, some on legitimate concerns over environmental degradation, and some on a reaction to reported industrial disasters. In virtually all cases, the protest and concern ultimately are played out in terms of zoning, which gives local citizens a direct say in what will happen on the ground in their community. It is our opinion that there is a Zen to zoning whereby one can identify the soul of a community: The zoning ordinance is the one planning-related document that clearly identifies the values of a community and the importance that citizens place on the environment.

This issue of Zoning News examines why this concern over the placement of industry is occurring and what can be done to ensure that manufacturing uses, where and when warranted, find a suitable place in our counties, cities, and towns.

The article is based on our experiences in more than 100 rural and exurban communities in the Frost Belt region of the United States. These communities are most often neither pure farm communities in the sense of the large farm combines of the Midwest, nor within the direct sphere of a metropolis. They tend to have some experience with manufacturing but rarely have attracted, for example, computer-dependent firms with an international focus. Their population is typically between 5,000 and 12,000. There is rarely a professional planner in the community. Zoning acts and bylaws are most often simple, straightforward, and inflexible. Above all, they are places where local citizens decide directly what is best for themselves.

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The Suspicion of Industry

What has brought this about? In a historic sense, it is important to remember that industry has always been suspect. An old German folktale says that a miller (the earliest form of industrialist) never goes to heaven. In Russian folktales, ghosts live with millers. In England, during the early period of industrialization, the actions of the Luddites and the views of Milton and Dickens, among others, painted industry as evil. And in America, the Puritans and followers of Jefferson cast a wary eye on the influence of industry on community. Stated bluntly, Americans have rarely accepted industry as part of the cultural core of our rural communities. We have welcomed it only because we felt it was economically necessary.

This point is particularly contentious at present as one rural community after another focuses on its future. We expect that most of these communities will continue to depend upon agriculture for at least part of their economic well-being in the foreseeable future. We also expect that these communities will be less isolated. There is far less separation of independent small towns from a metropolis than ever before. Whether it is cable television, the Internet, or the continuing spread of a metropolis, the distance among urban, suburban, exurban, and rural communities is diminishing. We have traditionally measured distances from the rural county seat to the metropolitan

This mill, in Stow, Massachusetts, is now a mixed-use, light industrial park. It is an example of successful redevelopment in a rural industrial area.
center. Increasingly, however, the employment hubs of these metropolises are on the fringes. We have seen this point well presented in Joel Garreau’s Edge City and David Rusk’s Cities Without Suburbs. When this occurs, the long travel distances between metropolitan and rural areas shrink significantly. Moreover, these formerly distant communities increasingly must react to their own growing desirability as places to locate new industrial facilities. They are rarely prepared.

The Current Patterns
We can observe this most vividly in terms of current zoning. First, we still tend to place industrial land last in our typical pyramidal hierarchy of zoning uses. Agricultural uses can be placed anywhere, and the majority of land is dedicated to residential activities. Then there is a small band of commercial land (where agricultural and residential activities also could be placed), and finally we note a very narrow band of industrial land—the space not suitable for anything else. That is, if land is unsuitable for agricultural, residential, and commercial use, then it can be used for industry—or so goes local logic. Given the deep fear that we commonly see concerning industry, we understand this phenomenon. However, this “garbage land” is rarely prime for industrial uses. We recently examined the land uses in an upstate New York community that had zoned 700 acres for industry. After wetlands, steep slopes, roads, and setbacks were subtracted, the town had 40 scattered acres that were usable. While this was the worst case we have seen, we have consistently noted that land zoned industrial is often virtually unusable for any purpose.

The second key reason is that there has been growing distrust of industry of all in reaction to news coverage of incidents such as Love Canal, Three Mile Island, and General Electric’s Pittsfield Plant. Moreover, the U.S. Environmental Protection Agency’s Superfund list, coupled with state lists, has detailed more than 600,000 polluted industrial sites nationwide. It is no wonder that John Travolta as Jan Schlichmann in A Civil Action and Julia Roberts’s role in Erin Brockovich were popular. These news reports and films contribute to a belief that virtually all industry is suspect.

The third reason is that there is now a disconnect between the location of industry and the people who work in the mill, factory, or plant. In previous generations, local people typically worked in their home communities. Today, we are more apt to travel to a distant job in another community. In Massachusetts, for example, the typical worker travels 34 minutes to work each day. As late as 10 years ago, we could promote industry as a means of expanding the local tax base and local job opportunities. Today, the opportunities are no longer local. There is little sense of connectedness between the mill and local residents. Moreover, the plants themselves are less likely to be a part of the local culture. The speed with which they come and go has only increased, so we are all subject to job churning. Indeed, in our professional planning career of 25 years, we have seen a one million-square-foot facility change from being the home of a plastics company to paper to electronics to computers to software service firms. (The plastics firms employed five percent of the town’s workers while today’s service firms employ only one percent.)

Finally, there is the question of infrastructure. Throughout the 1980s and early 1990s, reinvestment in infrastructure systems became a highly contentious issue. With declining federal and state assistance, many communities refused to upgrade or improve their systems. The net result is that systems are increasingly operating at capacity and are requiring major maintenance. Citizens are also being asked to fully fund water and sewer expenses. The electorate has not been inclined to provide special assistance to industrial users. Ironically, this is resulting in the development of package treatment plants for sewage disposal in many places. In essence, such places are free of any necessity to tie into town systems. This is positive in communities where expansion of such systems would be costly. However, given the need to have ample space to place such systems, they can frequently contribute to sprawl.

Where Would You Go?
Imagine that you are a mill operator and you have a choice of a modern one-story structure in a campus setting on the outskirts of town or a four-story old red brick mill in the town center. The former site is fully permitted and infrastructured while the latter is surrounded by residential units, will require extensive site plan review before occupancy, and will require a public vote before approval is gained. Where would you go? Given citizen concerns and fundamental fear of industry, most of you, we think, would

John Mullin is a professor of landscape architecture and regional planning at the University of Massachusetts at Amherst. Zenia Kotwal is an assistant professor of urban and regional planning at Michigan State University.
opt for the greenfield site. And by so doing, you would indirectly be furthering the decay of our older industrial areas.

We, as planners, have been shooting ourselves in the proverbial foot. We are constantly putting barriers in front of industrial revitalization. Instead of making it easier to revitalize these sites (and help to reduce sprawl), we are making it more difficult. It is clear that we must reexamine our actions if we ever want a strong in-town industrial presence. What can be done? A series of options and actions is explained below.

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Options for Planning
At the most fundamental level, we urge communities to address both industrialization (manufacturing on new sites) and reindustrialization (the revitalization of existing industrial sites) in their master plans. By so doing, the public will know that this is a direction that the community desires and will not be surprised, and the various agencies (planning, conservation, public works) can also begin to focus their actions in a coordinated manner. Moreover, the plan will (or should) have a series of recommendations for general areas where industry can and should be located. We cannot emphasize this more strongly: If the placing of industry is a surprise to the public, it is likely to be the subject of citizen protest.

Once this has been accomplished, it is essential to focus on the reindustrialization effort. Its importance lies in the fact that these areas and buildings are most readily developable. There tends to be far less lag time between a developer’s initial interest and occupancy, provided all impediments have been removed.

While there are many barriers to revitalization, none is more important than zoning. In most brownfield revitalization areas, residential uses over the years have crept up to the mill gate. The relationship between these residences and the mill, once harmonious and direct, often has shifted to antagonism because these residents see, hear, smell, and feel the mill at all times of the day. To protect themselves, they have frequently and effectively sought changes to the zoning ordinance that result in mill areas becoming less dense and more restrictive in terms of use. They have also been quite successful in having the mill complex declared a nonconforming use and/or requiring special permits for further expansion or revitalization. While these restrictions may contribute to peace in the immediate neighborhood, they also discourage reinvestment and revitalization. Would any of us, if we were mill owners, and given the choice of sites, want to build, expand, or reinvest in areas where we are not wanted? It is no wonder that so many mill operators seek greenfields where there is less direct conflict. We understand the need for a community to protect its citizens. But we also understand that there are places where industry can be sited. Brownfields, on the whole, are strong candidates for these uses.

What can be done? It is clear that most communities can expect great difficulty unless the impacts of industrialization are popularly known and, given this knowledge, the communities have expressed a desire for industry to locate there. Thus, the most important action is to broach the idea with the public. We are strong proponents of the charrette process, where citizens come together in a nonjudgmental manner to brainstorm future community directions. At this charrette (and subsequent focus group meetings if needed), it is important that both proponents and opponents attend and participate. This will identify potential impediments to the idea as early in a planning process as possible. It does little good to stack the deck at such a meeting. The goals of the charrette are to determine the degree of support for industrialization (if any) and the impediments to it and to come to consensus on future directions. The results of this process can be powerful and are difficult for community leaders to ignore.

Following the charrette, it is frequently helpful to prepare a communitywide survey. This survey should be as widely disseminated as possible. In all cases, it must be professionally developed and capable of being analyzed by computer as well as providing room for respondents’ comments. The results, along with the findings of the charrette, should provide a strong basis for future directions.

After this task has been completed, there are three typical options. The first would be to use the findings as inputs into a new or updated master plan. Such plans are increasingly important in guiding the future of a community, improving bond ratings and, not surprisingly, preventing court fights over land-use issues. The second would be to use the findings, assuming they are pro-industry, as a means of attracting grants through, for example, the Economic Development
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The problem is not with this basic definition but with what
happens when we try to break industry into light and heavy
categories. These categories overlap and are confusing. We
urge communities to stay with a basic definition and to use
performance standards to control what actually occurs. We have
had some problem selling the idea at first, facing the question:
“You mean anything can be sited if it meets these standards?”
However, once people see that performance standards are quite
controlling, they more readily accept them.

The second is whether to have industrial districts by right
or special permit. We strongly urge the creation of districts
by right if there are clear areas where it can work. Doing so
sends a message to the community that industry will come
and is wanted. It also tells industrial developers that they
are wanted and tells abutters that they must expect industry
in their back yards. However, we also recognize that many
communities will want the safety net provided by the special
permit process, whereby the developer must defend a project
in terms of environmental, fiscal, traffic, infrastructure, and
character impacts. When there is any doubt about a site or when
a community desires some room to maneuver (for example, a
choice between industry or commercial uses), the use of special
permitting is appropriate. But remember the use of special
permitting does slow down the building process, tends to
cost the developer more money, and frequently creates heated
environments where decisions are based upon emotion and
political considerations rather than sound planning.

The third centers upon the location of various types of
industry. There needs to be room for traditional manufacturing
(that is, brownfields), industrial subdivisions, and even industrial
parks. Interestingly, we have had more success in revising zoning
for brownfields (typically the highest density) and industrial
parks (the lowest density) than for the mid-range industrial
subdivision.

The fourth relates to what should be allowed in an industrial
district. The simple answer is that it depends. In all cases, a
community should allow manufacturing that is governed by
performance standards. Beyond this, the range of options runs
the whole gamut of land-use categories.

As a rule of thumb, we have argued against allowing housing
in industrial districts because residential uses are more apt to be
built first and take away prime industrial land and, later, there
are often issues of compatibility. Lately, however, we have been
softening our position. In carefully controlled circumstances,
there is room for residential uses. For example, the placing of
apartments in brownfields can work. Artist lofts, apartments,
shops, offices, and even light manufacturing have intermingled
nicely in such areas. We have also seen residential uses work
where there are specific master-planned districts with strict
controls and large areas of land between uses. On the whole,
however, we urge planners to keep residential uses out of prime
industrial districts.

We see no problems with mingling office, finance, research
and development, and industrial uses. However, we urge caution
when considering the placing of commercial uses in industrial
districts. They can be land eaters, the traffic flow can be
disruptive, and they tend to move into newly designated districts
more rapidly than industry. This is a prime instance where
special exceptions are in order. Clearly, there are choices.

Conclusions
We are convinced that the creation of industrial zoning districts
is among the most challenging and difficult tasks facing local
planners. They will be challenged, confronted, provided with
conflicting information, and faced with emotionally charged
people. Still, given solid information, the opportunity to
digest what they have read and heard, and the opportunity for
meaningful discussion, citizens often will realize that there is a
safe place for industry. The chances of this happening increase
dramatically when proposals for industry are based on carefully
articulated community needs and the master plan, and are
carefully regulated by zoning.