
COMMUNITY GARDENS POLICY

POLICY BASIS:

Provincial Policy Statement (PPS, 2020)

Regarding Public Spaces, Recreation, Parks, Trails and Open Space, Sec. 1.5 of the PPS provides guidelines for promoting healthy and active communities.

- 1.5.1 a) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- 1.5.1 b) planning and providing for a full range an equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open spaces areas, trails and linkages, and, where practical, water-based resources;

Sec 1.8 of the PPS provides direction to planning authorities to support coenergy conservation, air quality and climate change through land use and development patterns which:

- 1.8.1 g) maximize vegetation within settlement areas, where feasible.

County of Grey Official Plan

The County of Grey Official Plan, 2019 provides principles and policies to support and encourage parks and open space (Sec.7.12)

- 7.12 6) Consider the need for further forms of parks such as dog parks (leash on or leash off), trampoline parks, skateboard, bicycle, or roller skate parks, food forests or community gardens, or water-based activity parks.

City of Owen Sound Official Plan

The City of Owen Sound Official Plan ([OP, 2021](#)) includes provisions to guide the placement and development of Community Gardens within the City.

- Sec. 6.1.11.1 The City recognizes community gardens as valuable community resources that provide open space and a local food source, offer recreational and educational opportunities, and build social connections. The location of community gardens shall give consideration to compatibility, other parks uses, prior and adjacent land uses and lot area.
- 6.1.11.2 The City will support community gardens through initiatives which may include:
 - a. Promoting the awareness of community gardening;

- b. Where appropriate, offering City-owned lands as community garden sites, such as undeveloped parcels, City parkland, and unopened road allowances; and, c. Collaboration with the [County of Grey](#).
- 6.1.11.3 Regulation for community gardens will be implemented through:
 - a. The Community Gardens Policy, which should include a list of City lands suitable for community gardening initiatives endorsed by Council; and
 - b. The Zoning By-law shall regulate the siting and sizing of buildings and structures associated with community gardens and shall permit community gardens and shall permit community gardens where appropriate.
- 7.2.2.1 The City shall, in partnership with a variety of organizations, adopt a healthy living strategy incorporating, among other matters, improved fitness, activity, nutrition, health and well-being of all residents.
- 7.4.1.1 The City shall promote health in its population by providing for and supporting a variety of public recreational uses, programs and facilities throughout the City, accessible to people of all areas of diversity. The City will also play a leadership and partnering role in the provision of recreational services and facilities on a regional level.
- 7.4.1.2 The major components of City recreational services shall consist of a system of open space, public parks, trails, sports facilities and recreation facilities, as well as the programming of these resources. Expansion redevelopment and extension of facilities, arks and trails and associated programs will be encouraged where financially feasible partnerships are developed and community needs are addressed.

Grey Bruce Health Unit

The Grey Bruce Health Unit provides guidance on operating community food programs safely. Community Gardens shall adhere to [Grey Bruce Health Unit Community Gardening Guidelines](#).

BACKGROUND

Municipalities are increasingly investigating aspects of urban agriculture, such as community gardening, in order to pursue 'healthy community' goals and to establish local food strategies. These local food strategies examine a region's outlook as it applies to the capability of the area to procure and produce enough healthy food to fulfill the population's requirements.

Community gardens transform passively-used space into productive garden plots. Community garden projects rely on community groups and volunteers, who are interested in establishing and maintaining gardens within the City. These projects are often the result of partnerships between community members, municipal governments, and private stakeholders. The produce garnered from a community garden project can be sold through local food markets (e.g., Farmers' or 100-Mile Markets), donated to local food banks or charitable meal programs, and/or shared among the participant gardeners.

Community garden projects provide the opportunity for numerous community and individual gains, including (but not limited to):

- Access to affordable healthy food sources for members of the community experiencing food insecurity;
- Mental and physical health promotion through the activity of food production;
- The opportunity for social engagement with family, neighbours and fellow gardeners;
- Contribution to the creation of a sustainable local food economy;
- Development of important food production and gardening skills;
- The opportunity to improve the community's understanding of the importance of agriculture and local food systems;
- Diversify uses within existing City parks;
- Contribution to civic enrichment and beautification; and
- The opportunity to increase the number of accessible public spaces within the City, with particular focus on increasing accessibility within the City's parks and open spaces.

POLICY OBJECTIVE

The purpose of this policy is:

- i) To initiate steps toward a food sovereignty strategy for the City of Owen Sound that promotes community access to local, affordable, and sustainable food sources;
- ii) To provide every citizen the opportunity to grow and access healthy food and a healthy lifestyle;
- iii) To promote the tenets of a healthy community;
- iv) To support the City in its willingness to enter into community partnerships to create, establish and maintain community gardens;
- v) To guide the placement and operation of community gardens on City- owned lands that is consistent with the Provincial Policy Statement, the City's Official Plan, Zoning By-law, and the Recreation Parks and Facilities Master Plan;
- vi) To ensure that the scale and scope of community gardens are sympathetic to community needs, other uses within parks and open spaces, adjacent uses, and the intent of the Zoning By-law for uses permitted on the lands within parks; and
- vii) To create opportunities for inclusive spaces that welcome all members of the community to partake in a shared enjoyment of being in nature, learning, and cooperation.

DEFINITIONS

'Community Garden Collective' means all gardeners who contribute to the productive operation of their respective community garden. Reference to the 'Collective' includes the 'Executive'.

'Community Garden Executive' means one (1) or more individuals who agree to represent and administer the operations of the community garden project and enter into an agreement with the City of Owen Sound.

'Community Garden' means any planter, bed (raised or otherwise), or piece of land that is used to demonstrate horticulture techniques, cultural gardens, or to produce flowers, and/or food, as a community, neighbourhood or group initiative. Community gardens may include apiaries, subject to the [Bees Act](#), R.S.O. 1990, c.

B.6. and accessory structures such as tool sheds or composting receptacles, subject to regulations.

POLICIES

1. PROMOTING HEALTH & PARTNERSHIPS:

- 1.1 Community gardens are encouraged to establish small-scale, not-for-profit distribution partnerships with local food markets (e.g., Farmers' or 100- Mile Markets) and local food banks or charitable meal programs.
- 1.2 Use of herbicides and pesticides in community gardens are regulated by the Ontario Pesticides Act, [O. Reg 63/09](#), including but not limited to the requirement that pesticides be applied by a person licensed to apply regulated products. .
- 1.3 Participation in any community garden project must be peaceful, cooperative and inclusive.
- 1.4 Community gardens shall be maintained such that they beautify and enrich the City's visual landscape.
 - 1.4.1 The City supports establishing a variety of garden types, which may include, but not be limited to pollinator gardens, orchards, edible gardens, vertical gardens, sensory gardens, Indigenous gardens, meditation gardens and permaculture projects.
- 1.5 Community organizations, such as Community Living, Safe 'n Sound, the Bruce Grey Child and Family Services, M'Wikwedong Indigenous Friendship Centre, and the Canadian Mental Health Association, are encouraged to participate in community garden initiatives.
- 1.6 Community Garden Collectives shall foster inter-generational interaction. Children and youth of all ages shall be permitted and encouraged to participate in community garden projects. Community Garden Collectives are encouraged to set aside plots for exclusive use by children.
- 1.7 Community gardens are encouraged to enter into partnerships with local schools, businesses, and other enterprises to help realize community garden project goals. This includes assistance with garden infrastructure, administration and maintenance.

- 1.8 Private landowners, including schools, churches, and other community groups are encouraged to initiate community garden projects.
- 1.9 Community gardens are encouraged to provide educational spaces in the garden that promote learning through interactions with nature and the environment.
- 1.10 Apiculture may be a permitted use within a Community Garden subject to the [Bees Act](#), R.S.O. 1990, c. B.6.
- 1.11 Cannabis, illegal plants, invasive species, and noxious weeds are not permitted to be planted within Community Gardens. A list of noxious weeds as defined by the regulations of the [Weed Control Act, R.S.O. 1990, c. W.5](#);
- 1.12 No community garden shall be placed on any site that is known or suspected to have contaminated soils.
 - 1.12.1 In accordance with O. Reg. 153/04 of the Environmental Protection Act, only lands where the current or last known use was residential, parkland, or agricultural will be considered for a community garden site on City-owned or managed lands.

2. GENERAL PROVISIONS:

- 2.1 Community gardens are considered a permitted use on City-owned parklands where parks are a permitted use in the Zoning By-law.
 - 2.1.1 Community gardens shall be subject to the Open Space (OS) Zone regulations unless otherwise specified by the Zoning By-law.
 - 2.1.2 Community gardens are considered a permitted park use. Proposals to transition park or a change of park use from an existing use to a community garden use shall not be construed to trigger a public engagement process under Sec. 6 of the [City of Owen Sound Recreation, Parks and Facilities Master Plan 2018-2018](#).
 - 2.1.3 Schedule 'A' of this policy further specifies several parks that Council has endorsed as lands suitable for community gardens.
- 2.2 Requests to establish Community Gardens shall be considered through a Community Garden Application, attached hereto as Schedule 'B'.
- 2.3 Applications to establish Community Gardens on the lands listed under "City-owned lands available for Community Gardens" identified in Schedule 'A' shall be considered in accordance with the [4-Step Process outlined in Schedule 'C'](#).
- 2.4 Where a Community Garden is located on City-owned land the Garden Executive shall enter into a Licence Agreement with the City.
 - 2.4.1 The Community Garden Executive is required to provide a fully dimensioned Site Plan as a component of a complete application and shall be included in the Licence Agreement with the City.

- 2.4.2 Where a provision of the Community Gardens Policy contradicts the Zoning By-law, the provisions of the Zoning By-law shall apply.
- 2.5 This policy will be reviewed by the City's Parks and Open Space and Planning and Heritage Divisions every 5 years, or as required based on legislative changes.
- 2.6 The Manager of Parks and Open Space and the Manager of Planning and Heritage are authorized to make such administrative changes to this policy as appropriate to keep the policy current. Any revision to the intent of the policy shall be presented to Council for approval.

3. LOCATING COMMUNITY GARDENS:

- 3.1 Community gardens may be located on the Council endorsed list of lands suitable for community gardening initiatives attached as Schedule 'A' of the report.
- 3.2 Notwithstanding Clause 3.1, if a Community Garden Collective wishes to locate a community garden on City-owned lands not specified in the Council endorsed list of lands suitable for community gardening initiatives attached as Schedule 'A' hereto, the proponent may submit an application to the Community Services Department for consideration by the Community Planning & Heritage Advisory Committee.
 - 3.2.1 Public consultation including but not limited to a minimum of one public meeting shall be required as part of the City's process for considering a community garden on City-owned lands not specified in Schedule 'A'
- 3.3 Where possible, community gardens should be located on lands in close proximity to the City's trails or public transit systems for increased pedestrian access.
- 3.4 All community gardens shall be considered for integration into new and existing City Walking Tours.
- 3.5 All community gardens shall be located in areas that make use of existing paved and/or accessible surfaces such that easy access by pedestrians, cyclists, and persons with disabilities is facilitated.
- 3.6 Where possible, community gardens should be located with priority on lands within walking distance (400-800 metres) to areas with higher proportions of affordable and social housing units.
- 3.7 Community gardens shall not be the exclusive use of a park and shall be located to avoid diminishing other uses of a park.
- 3.8 Among other matters, applications for Community Gardens shall consider the site's existing conditions, availability of a water source, buffering between adjacent uses, area of proposed garden in relation to total park

space, geographic context, and microclimate.

4. OPERATIONS & AMENITIES:

- 4.1 Each community garden shall operate under the supervision of a planning committee or 'Community Garden Executive', as defined in this policy.
- 4.2 The Community Garden Executive shall operate transparently and cooperatively with the community garden collective, other groups, and members of the community as a whole. A Community Garden Executive may include an existing organization.
- 4.3 The Community Garden Collective shall act responsibly and democratically, and are encouraged to establish and operate under rules, which govern the fair and inclusive operation and administration of the Collective.
- 4.4 Community garden projects located on City owned lands must be not-for-profit operations.
- 4.5 Subject to approval from the City, the Collective may place small compost receptacles and water barrels on the garden site.
- 4.6 Subject to approval by the City, the Collective may fence the garden area.

5. THE CITY'S ROLE:

- 5.1 The City shall consider applications for community garden funding through the [City's Community Improvement Plan Landscaping & Property Improvement Grant Program](#) submitted by Community Garden Executives in accordance with the City's CIP grant processing protocol.
- 5.2 The City shall encourage and nurture its relationship with community gardeners.
- 5.3 The City will maintain the Community Gardens webpage(s) of the City's Website to encourage, promote, and administer the network of community gardens within the City.
 - 5.3.1 The community gardens webpage(s) shall be a primary hub that connects stakeholders of all types.
 - 5.3.2 The City shall maintain a public register of all community gardens – the '[Community Garden Register](#)' – in order to provide a central reference point for members of the community to encourage participation in community garden projects. [The register shall be published on the Community Gardens website.](#)
 - 5.3.3 The City will maintain a current list of City lands available for community garden projects. This list shall be updated and posted on the City's Website each spring.

- 5.4 The City shall not be responsible for maintenance of community gardens..
- 5.5 The City shall not be held liable or responsible for any damage or losses to produce, materials, or the garden itself.
- 5.6 The City retains the right to inspect Community Gardens on an on-going and regular basis to ensure compliance with the City's Community Garden Policy.
- 5.7 The City shall ensure that final approved site and construction plans for Community Gardens reflect the requirements of the *Accessibility for Ontarians with Disabilities Act* respecting matters of accessibility.
- 5.8 Subject to a licence agreement, the City may agree to install a source of water in proximity to Community Gardens located on City-owned parks and be responsible for turning on the water source at the beginning of the season and turning off the water at the end of the season.
 - 5.8.1 If a water source is desired on City-owned parks where a water source does not currently exist, the Community Garden Collective shall be responsible for the costs associated with the installation of the water source but may seek funding for this work through the CIP landscaping improvement grant where eligible.
 - 5.8.2 Where a water source is installed for the purposes of providing water to a community garden on city-owned lands, the City will be responsible for the annual costs of the water.
- 5.9 The City shall continue to identify City lands to be added to the Council endorsed list of lands suitable for community gardening initiatives attached as Schedule 'A' hereto.

6. THE COMMUNITY GARDEN COLLECTIVE'S ROLE

- 6.1 Community Garden Collectives (CGC) shall be represented by a 'Community Garden Executive' who administers the operations of the community garden project and serve as the point of contact with the City.
- 6.2 The Community Garden Executive, on behalf of the CGC must enter into a Licence Agreement with the City.
- 6.3 Prior to gaining access to the Community Garden all current and new members of the CGC must sign and submit a liability waiver to the City.
- 6.4 The CGC is responsible for securing any funding to support the Community Garden.
- 6.5 The CGC is responsible to operate the Community Garden in accordance with the Licence Agreement.

7. THE LICENSE AGREEMENT:

- 7.1 Upon approval from the Community Services Committee, all community garden projects located in City-owned or managed lands must enter into a license agreement with the City.
 - 7.1.1 The Community Garden Executive(s) as the representative of the Community Garden project shall be the signee(s) of the license agreement.
- 7.2 A standard term of a license agreement is to be three (3) years, with an option to renew.
- 7.3 The purpose of the license agreement is twofold:
 - 7.3.1 To outline the specific details of operation, management, administration, and maintenance of a community garden project; and
 - 7.3.2 To outline the responsibilities of each stakeholder to one another.
- 7.4 The members and contact information of the Community Garden Executive will be specified in the license agreement.
- 7.5 The license agreement must contain the details of the Public Liability Insurance obtained by the Community Garden Executive indemnifying the property owner and/or the City against any loss or injury of persons or property. All details regarding insurance will be examined on a case-by-case basis by the City in collaboration with the Executive.
- 7.6 At the end of a group's license agreement term, that same group shall have the right of first refusal to enter into a subsequent agreement with the City for use of the same community garden. Prior to the end of the agreement, the Executive shall submit written request to the Community Services Department if it wishes to enter into a new agreement.
- 7.7 Termination of a license agreement may occur within the license agreement term should the Community Garden not be maintained in accordance with the terms of the license agreement.
 - 7.7.1 The Community Garden Executives or Collective shall receive written notice of a maintenance violation and be given a minimum of 10 days to complete the works necessary to comply with the terms of the licence agreement.
- 7.8 Upon termination of a License Agreement, the City may revert the garden back to the site's original condition.
- 7.9 The City retains the right to inspect Community Gardens on an on-going and regular basis to ensure compliance with the City's Community Garden Policy.
- 7.10 The expansion of a Community Garden is prohibited without the written consent of the City.