

Policy Statement

1. The City of Owen Sound recognizes that Community Gardens provide inclusive spaces that welcome members to partake in the shared enjoyment of being in nature, learning and cooperating through gardening. The City further recognizes that Community Gardens must operate in conjunction with other community needs, such as 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. The principles of community gardening that are encouraged by the City are outlined in Appendix 'A' to this policy.

Purpose

2. This policy establishes the placement and operation of Community Gardens on City-owned land.

Scope

3. This policy applies to Community Gardens on City-owned property, which are limited in location to the lands specified in Appendix 'B' to this policy and for greater clarity, do not include plantings or gardens operated by the City.

Definitions

4. For the purposes of this policy,
"City" means the City of Owen Sound and a reference to the City is a reference to the geographical area or to The Corporation of the City of Owen Sound as the context requires;
"Community Garden" means any planter, bed (raised or otherwise) or piece of land, which 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 be comprised of plots that are shared communally and/or allotted individually and may include:
 - a. food gardens or orchards;
 - b. pollinator gardens;
 - c. ornamental gardens; and

d. Indigenous gardens.

"Community Garden Collective" means all gardeners who contribute to the productive operations of their respective Community Garden. Reference to the "Collective" includes the "Executive";

"Community Garden Executive" means one (1) individual, or other legal entity, who agrees to:

- a. represent a Community Garden Collective;
- b. administer the operations of a community garden project; and
- c. enter into an agreement with the City of Owen Sound respecting the Community Garden;

"Food Garden" means any planter, bed (raised or otherwise), or piece of land that is used to produce fruits, herbs, spices, and/or vegetables;

"Indigenous Garden" means a garden that is used for the purposes of fostering Indigenous culture, teachings, community gathering, and traditions, including but not limited to, food gardens, medicine gardens, and ceremonial gardens;

"Lot Line, Exterior Side" shall mean the side lot line which abuts a street, unopened road allowance or lane;

"Lot Line, Front" means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line. In the case of a corner lot where the length of the lot lines abutting a street are equivalent, or there are three abutting streets the front lot line shall be deemed to be the lot line where the side of the garden intended to be the front entrance is located. In the case of a through lot, only one of the lot lines abutting a street shall be deemed to be the front lot line;

"Lot Line, Interior Side" shall mean a lot line which does not abut a street, unopened road allowance, or lane;

'Lot Line, Rear' means the lot line farthest from and opposite to the front lot line;

'Lot Line, Side' means a lot line, other than a front or rear lot line. See also 'Lot Line, Exterior Side' and 'Lot Line, Interior Side';

"Orchard" means a maintained planting of trees that produce nuts or fruits for human consumption;

"Ornamental Garden" means a planting area that may be planted for aesthetic purposes;

"Planting strip" means a maintained continuous hedgerow of evergreens or deciduous shrubs that form a vegetative screen between 1.5 m high and 2.0 m at maturity. The plant material used in the planting strip shall be subject to approval by the Manager of Parks and Open Space prior to planting;

"Pollinator Garden" means an area that is planted and maintained for the purpose of providing a natural habitat to pollinator species. Pollinator gardens are encouraged to consist mainly of native plant species;

"Privacy Fence" means a fence not less than 1.5 m high, which may be in the style of a solid wood fence or board-board-on-board fence. Any wood materials used for privacy fencing shall be dimensional milled lumber, preferably painted or stained, and shall not remain unfinished. Oriented strand board and sheet plywood are not permitted materials;

"Setback" means the minimum horizontal distance, measured at a right angle, between a lot line and the nearest boundary to the Community Garden;

"Yard, Exterior Side" means a side yard immediately adjoining a street, unopened road allowance or lane;

"Yard, Front" means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any main building or structure on the lot;

"Yard, Interior Side" means a side yard other than an exterior side yard; and

"Yard, Rear" means a yard extending across the full width of the lot between the rear lot line, or where there is no rear lot line the apex of the triangle formed by the side lot lines, and the nearest part of any main building or structure on the lot.

Policy

Community Gardens

5. A Community Garden Collective may operate a Community Garden in one or more of the pre-approved locations depicted in Appendix 'B', upon approval.
6. Only one (1) Community Garden is permitted in each pre-approved location regardless of the garden size.
7. A proposal to establish a Community Garden will be initiated by submitting a complete application using the Community Garden Application Form in effect at the time of the application.
8. City staff are delegated the authority to approve a Community Garden where the application:

- a. conforms to this policy;
 - b. meets all application requirements; and
 - c. requests the use of pre-approved lands that are not already in use by another Community Garden Collective.
9. A proposal to establish a Community Garden that does not meet the criteria listed in section 8 will be refused. Staff will provide the necessary direction to the applicant, where requested, to bring the application into compliance.
10. Notice of all approved Community Gardens will be provided to Council for information by reporting through the Community Services Committee.
11. A Community Garden is a permitted park use. An application for a Community Garden that conforms with this policy does not trigger the public engagement process under the City's Recreation, Parks and Facilities Master Plan.
12. Each Community Garden must operate:
 - a. under the supervision of a Community Garden Executive; and
 - b. on a not-for-profit basis.
13. Community Gardens are required to have the following:
 - a. a dimensioned site plan showing the location and area of the of the Community Garden and setbacks from the park property boundaries, subject to the following provisions:
 - i. maximum lot coverage of ten per cent (10%) of the total area of the park;
 - ii. minimum front yard setback of 6.0 m from the lot line;
 - iii. minimum rear yard setback of 3.0 m from the lot line;
 - iv. minimum interior side yard setback of 3.0 m from the lot line; and
 - v. minimum exterior side yard setback of 6.0 m from the lot line.
 - b. a site plan showing the proposed layout and features of the Community Garden;
 - c. a plan for water use, water storage or access to water that meets the satisfaction of the Manager of Parks and Open Space and the Manager of Public Works or their designates;
 - d. soil suitable for cultivation;

- e. signage that identifies the Community Garden and the Community Garden Collective. The City encourages that the signage include contact information for the Community Garden Executive; and
- f. 4" x 4" dimensional lumber posts at each corner of the garden to be installed at a height of 4' to 6' above grade. Posts must be installed to a sufficient depth below grade to ensure the post remains stable.

14. Where a Community Garden:

- a. is adjacent to a residential use;
- b. has a setback from the residential use that is less than 10 m; and
- c. does not have an existing planting strip or privacy fence between the Community Garden and the residential use,

the Community Garden Collective must install a planting strip or privacy fence immediately adjacent to the residential use and the planting strip or privacy fence must span the length of the Community Garden on the side of the Community Garden adjacent to the residential use.

15. Community Gardens may include:

- a. accessory structures such as tool sheds or composting receptacles, provided they are built in accordance with:
 - i. current building, property standards and zoning regulations in effect;
- b. design features, that may be aesthetic or functional in nature, such as lattices, trellises, arbours, birdbaths, statues or sculptures;
- c. amenities such as potting tables, benches, border fences, or other borders to prevent nuisance;
- d. a hose bib connected to municipal water services that meets the satisfaction of the Manager of Parks and Open Space and the Manager of Public Works or their designates;
- e. water storage containers provided they are constructed from food-safe materials; and
- f. raised beds, provided they are constructed from food-safe materials.

16. The following are prohibited in Community Gardens:

- a. cannabis;
- b. any plant and or fungi which is listed in or produces one or more substances included in Schedule I, II, III, IV, or V of the *Controlled*

Drugs and Substances Act, S.C. 1996, c.19, such as psilocybin or psilocin;

- c. invasive species of plants;
- d. noxious weeds, as determined by the *Weed Control Act*, R.S.O. 1990, c.W.5;
- e. endangered species, as determined by the *Species at Risk Act*, S.C. 2002, c.29;
- f. pressure treated wood; and
- g. railway ties.

Responsibilities

17. Each Community Garden Executive will:

- a. execute a licence agreement with the City for use of the Community Garden lands;
- b. develop and make publicly available, terms of reference for the Community Garden Collective that identifies the goals of the group and how the group will organize itself and manage its affairs;
- c. provide proof of insurance naming the City as an additional insured to the satisfaction of the City;
- d. ensure all members sign and submit a liability waiver to the City prior to accessing their Community Garden;
- e. be responsible to secure funding to support their Community Garden;
- f. be responsible for annual costs of water provided to their Community Garden;
- g. ensure their Community Garden Collective operates and conducts itself in accordance with applicable legislation, including municipal by-laws, and in accordance with the terms of the licence agreement.

18. The City will:

- a. provide one (1) waste receptacle per Community Garden and undertake waste collection no less than once every two (2) weeks;
- b. be responsible for turning on a water source at the beginning of the season and turning off a water source at the end of the season in active Community Gardens if applicable;
- c. inspect Community Gardens to ensure compliance with this policy and the related licence agreements, where necessary;

- d. maintain a public register of all active Community Gardens on City-owned lands and their locations, which will be published on the City's website;
19. The City will not:
- a. be responsible for the maintenance of any Community Gardens; and
 - b. be held liable for any damage or loss to produce, materials, structures or gardens within a Community Garden.

Licence Agreement

20. A licence agreement will be executed for each Community Garden Collective and will outline:
- a. the specific details of operation, management, administration, and maintenance of the Community Garden; and
 - b. the responsibilities of the Community Garden Collective and the City;
21. Each licence agreement will have a minimum of one (1) year term to start. Upon the one (1) year anniversary of the licence agreement the community garden executive and the City may mutually agree to extend the agreement to a three (3) year term, with an option to renew.
22. Where a water source is installed in a Community Garden, the licence agreement will address the responsibilities of the City and the Community Garden Collective with respect to the water source.
23. No work at the site of a Community Garden will be authorized until a licence agreement respecting that the Community Garden is executed by the Community Garden Executive and the City.

Community Improvement Plan

24. Community Garden Collectives may seek funding for the cost of installing a water source in a Community Garden through a Landscaping & Property Improvement Program grant under the City's Community Improvement Plan, provided the Community Garden Collective is eligible for funding and funding is available.

Policy review

25. The Manager of Parks & Open Space and the Manager of Planning & Heritage will jointly review this policy at least every five (5) years to ensure effectiveness and compliance with current business processes or earlier if:
- a. legislation changes impact the policy, in which case the review would take place in the year of the legislative change; or

- b. Community Gardens are established in all seven (7) pre-approved locations, in which case the review will take place in the following year.
- 26. The number and location of Community Gardens and the availability of City-owned lands that can support Community Gardens will only be re-evaluated during the policy review period and may include the addition or subtraction of lands to be governed by this policy.
- 27. The Manager of Parks & Open Space and the Manager of Planning & Heritage are jointly or separately authorized to make such administrative changes to this policy as appropriate to keep the policy current. Any revision to the policy's intent must be presented to the formal approval authority for consideration.

Related Information and Resources:

Internal

- 28. [City of Owen Sound Official Plan, 2021](#)
- 29. [City of Owen Sound Comprehensive Zoning By-law 2010-078, as amended;](#)
- 30. [The City of Owen Sound Community Improvement Plan, 2020](#)
- 31. [Landscaping & Property Improvement Grant Program Guidelines, 2021](#)
- 32. [City of Owen Sound Recreation, Parks & Facilities Master Plan: 2018-2028](#)
- 33. [City of Owen Sound Property Standards By-law No.1999-030](#)
- 34. [City of Owen Sound Noise Control By-law No.2001-034](#)
- 35. Community Gardens Application Form (Policy FPR001) (link to become active once Policy is approved)

External

- 36. [Provincial Policy Statement, 2020](#)
- 37. [Grey County Official Plan, Recolour Grey, 2019](#)
- 38. [Grey Bruce Public Health Unit Community Gardening Guidelines](#)
- 39. [Grow Me Instead, Edition 3 revised, 2020](#)
- 40. [Weed Control Act, R.S.O. 1990, c.W.5](#)
- 41. [Species at Risk Act, S.C. 2002, c.29](#)
- 42. [Controlled Drugs and Substances Act, S.C. 1996, c. 19\)](#)
- 43. [Accessibility for Ontarians with Disabilities Act, 2005, S.O 2005, c. 11](#)
- 44. [Guide: Site Assessment, Cleanup of Brownfields, Filing of Records of Site Condition](#)

Appendices:

- 45. Appendix 'A' – Community Gardens Principles
- 46. Appendix 'B' – City Parks Pre-Approved for Community Gardens

Revision History:

Authority	Date	Approval	Description of Amendment
Council		By-law	

Appendix 'A' to Policy No. FPR001

Community Garden Principles

The City recognizes that 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.

Where community gardens are established, the City **encourages** that:

1. Community gardens provide citizens the opportunity to grow and access healthy food and a healthy lifestyle.
2. Community gardens be inclusive spaces that welcome all members of the community to partake in a shared enjoyment of gardening, being in nature, learning, and cooperation.
3. Participation in any community garden project be peaceful, cooperative and inclusive.
4. Native species be planted where possible within community garden projects.
5. Community Garden Collectives foster inter-generational interaction.
6. Community Garden Collectives set aside plots for exclusive use by children.
7. Community gardens provide educational spaces in the garden that promote learning through interactions with nature and the environment.
8. Community Gardens include accessibility features that employ the tenets of barrier-free design such as raised beds constructed at different heights, table planters, portable container gardens, and garden pathways featuring stable, hard packed paving materials with visual markers, etc.
9. Community Garden Collectives enter into partnerships with local schools, businesses, and other enterprises to help realize community garden project goals. This includes assistance with garden infrastructure (raised beds, rainwater collection, storage shed), administration, and maintenance.

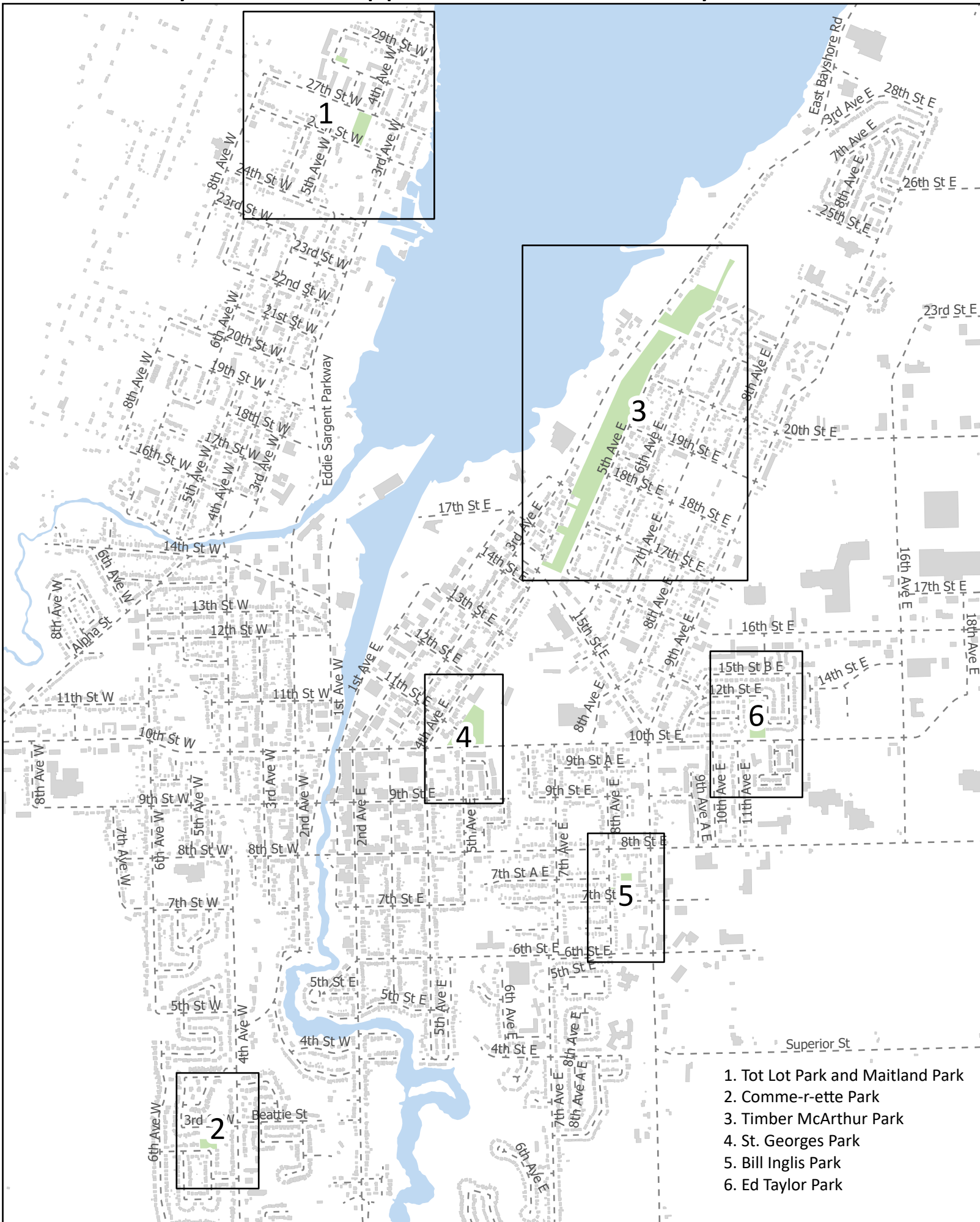
Appendix 'B' to Policy No. FPR001

City Parks Pre-Approved for Community Gardens

List of City Parks Pre-Approved for Community Gardens:

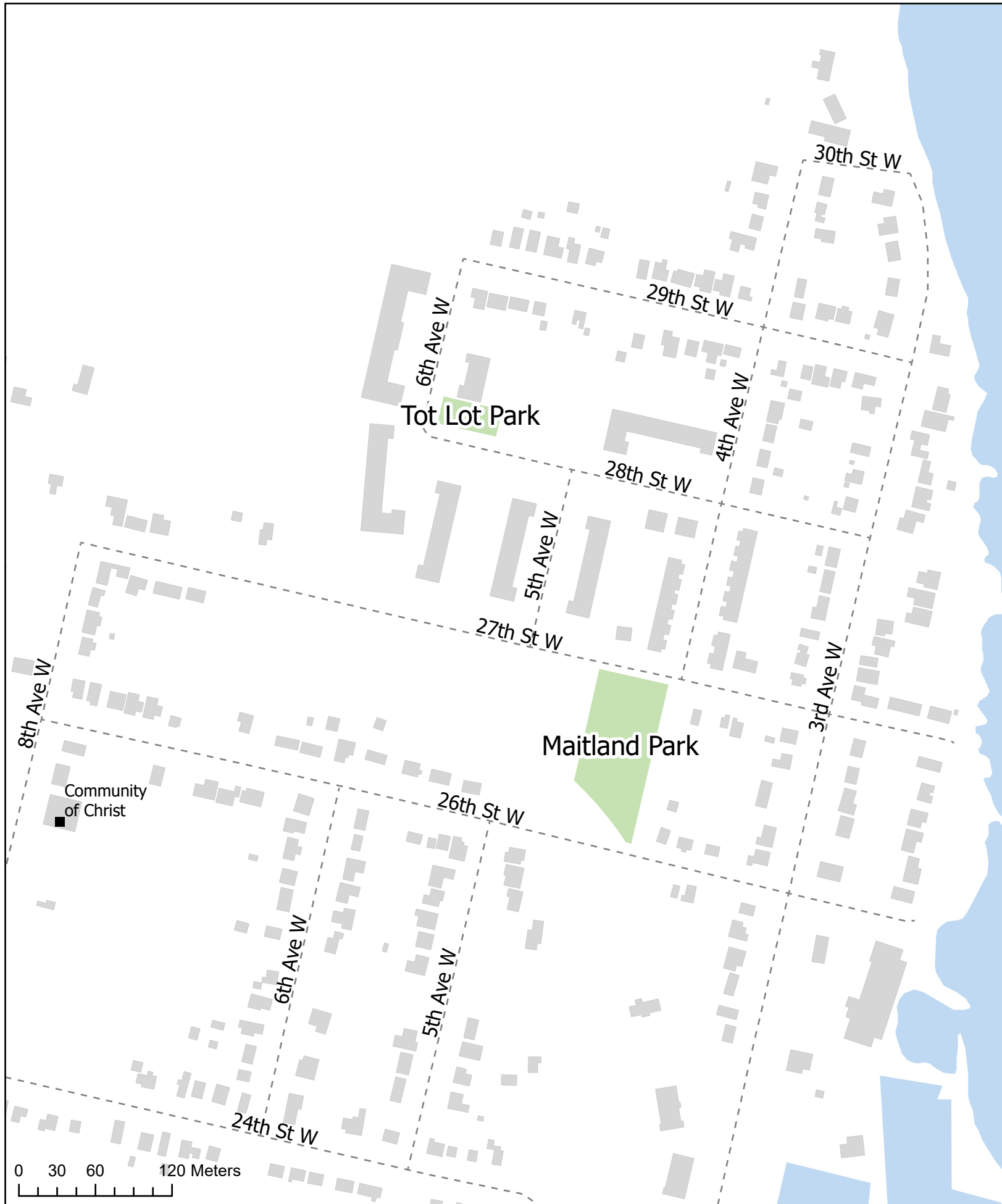
- 28th Street Tot Lot - 28th Street West & 6th Avenue West
- Bill Inglis Park - 725 8th Avenue East
- Maitland Park – 412 27th Street West
- Comm-r-ette Park – 532 2nd 'A' St West
- St. George's Park - 510 10th Street East
- Ed Taylor Park – 1120 12th Avenue East
- Timber McArthur Park - 1750 5th Avenue East

City Parks Pre-Approved for Community Gardens

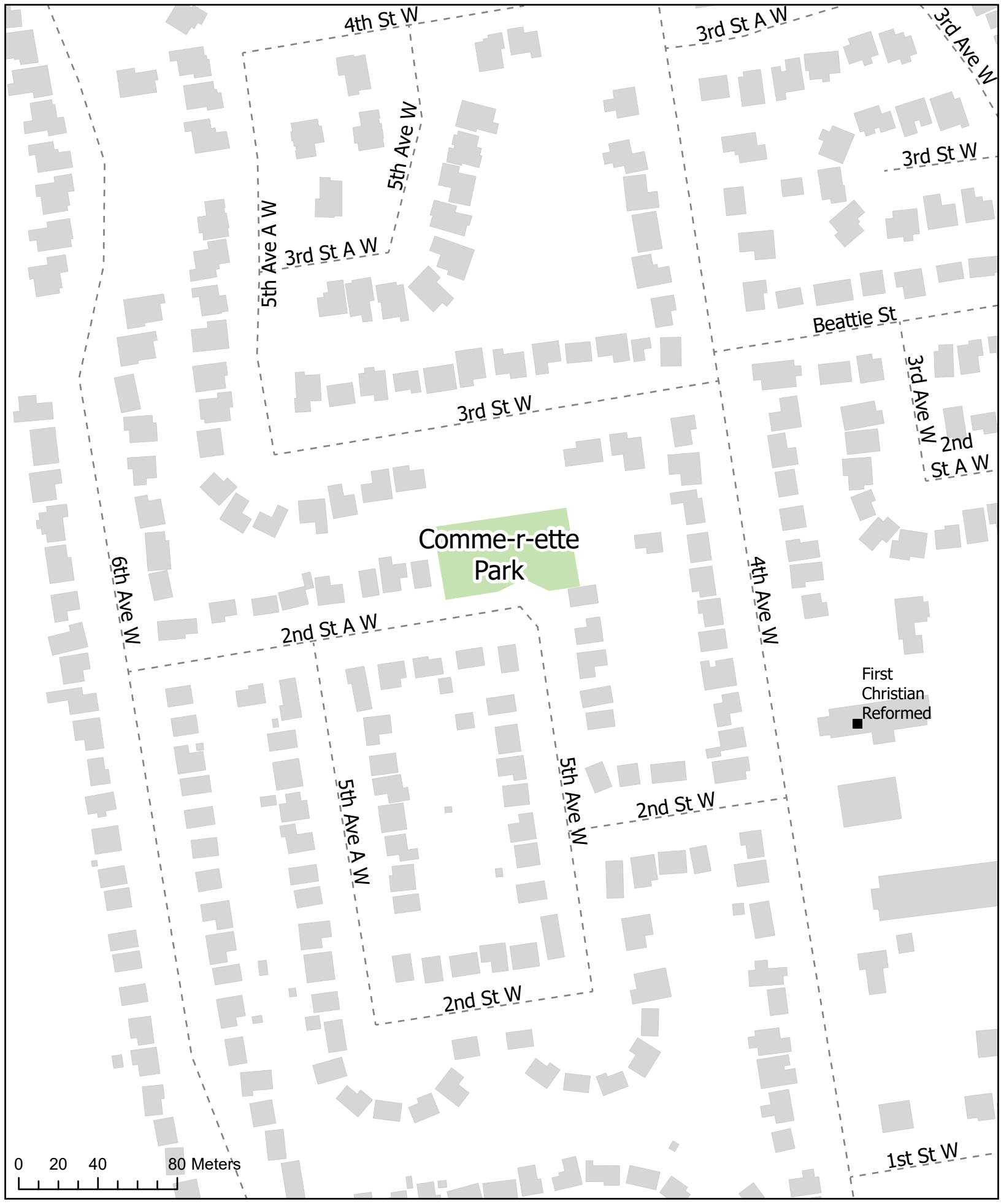


1. Tot Lot Park and Maitland Park
2. Comme-r-ette Park
3. Timber McArthur Park
4. St. Georges Park
5. Bill Inglis Park
6. Ed Taylor Park

City Parks Pre-Approved for Community Gardens

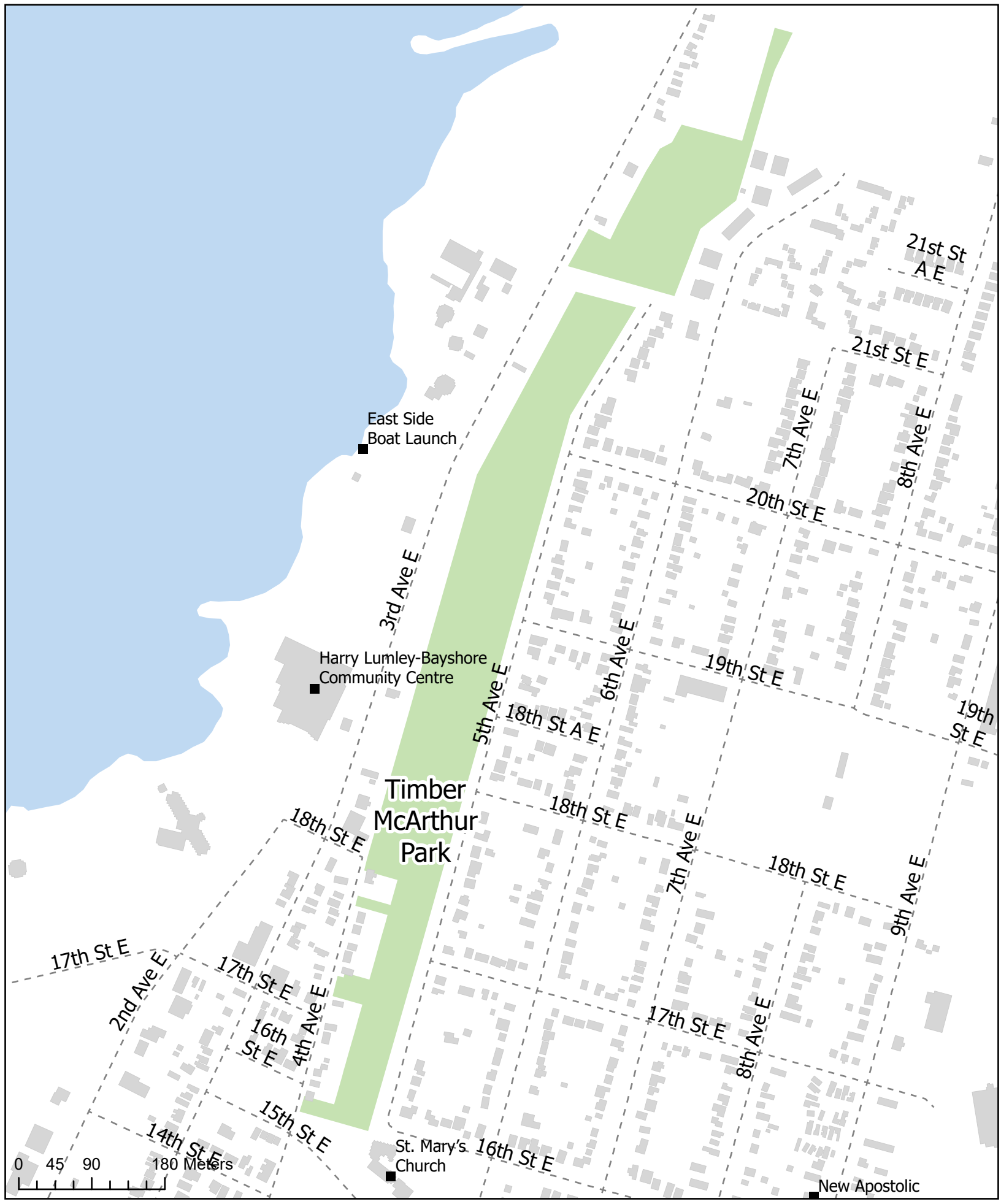


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