

## **Schedule 'J' - Guiding Policy**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) establishes the province's land use planning policy framework. The PPS calls for the wise use and management of lands in the interest of creating healthy, resilient communities. The PPS speaks directly to the provision of public spaces, recreation, parks, trails, and open space to create a complete community. The PPS states that healthy, active communities should be promoted by planning for safe public spaces that meet the needs of pedestrians, foster social interaction, and facilitate community connectivity (Sec.1.5.1 a).

Sec. 1.8 of the PPS includes provisions for energy conservation, air quality and climate change and directs policy to maximize vegetation within settlement areas, where feasible (1.8.1 g).

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. Community gardens' location shall consider compatibility, other park uses, prior and adjacent land uses and lot area.

The proposal is consistent with the direction provided by the PPS.

### **City of Owen Sound Official Plan**

#### Public Consultation

Sec.9.5.1.1 of the OP provides that the City will encourage the involvement of residents, businesses, agencies, stakeholders and other levels of government in the planning process.

Members of the public were invited to submit their comments, questions and complete a survey on OurCity.ca. In some cases, members of the public provided feedback over the phone, in person, and by email. A mail out with information on the community gardens policy update project and a request for feed back was circulated to residents within 100 m of the proposed community garden on January 20, 2023.

Additionally, a request for comment was circulated to the County of Grey for their input on the draft policy. Feedback on the draft Community Gardens Policy was received during a public engagement period from December 22, 2022, to January 30, 2023.

#### Open Space

Section 3.11.1.1 of the OP includes that lands designated as Open Space on Schedule 'A' – Land Uses are to be used primarily for recreational and cultural purposes, both indoor and outdoor. Community gardens are included among the list of recreational and cultural uses permitted within lands designated 'Open Space' in Schedule 'A' of the OP (Sec.3.11.1.1.b).

### Community Gardens

*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.*

In addition to the media release promoting the public engagement period respecting the draft Community Gardens Policy update, the City's website includes information respecting the Community Gardens Policy, suitable Community Garden sites, and a Community Garden register.

At this time the City's proposed list of suitable locations for Community Gardens pertains exclusively to City Parks, the draft policy includes that the:

- 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 and Recreation Parks and Facilities Master Plan, which shall regulate the siting and sizing of buildings and structures associated with community gardens and shall permit community gardens where appropriate.*

The proposal conforms to the policies of the City's Official Plan, subject to the recommended conditions.

### **City of Owen Sound Zoning By-law (2010-078, as amended)**

Community gardens are contained within the definition of a 'Public Park' k in the City's Zoning By-law 2010-078, as amended.

Section 5.16.4 of the Zoning By-law speaks to public parks and notes that a public park shall be subject to the zone regulations of the Open Space (OS) zone (Sec.10). Under the OS zone, permitted uses such as community gardens are required to meet the following regulations:

## 10.2 OPEN SPACE (OS) ZONE REGULATIONS

OS ZONE		Permitted Uses
<b>Regulations</b>		<b>All permitted uses</b>
a	Maximum Lot Coverage	25%
b	Minimum Front Yard Setback	6.0m
c	Minimum Rear Yard Setback	2.0m
d	Minimum Interior Side Yard Setback	2.0m
e	Minimum Exterior Side Yard Setback	2.0m
f	Maximum Building Height	15m
g	Other	Notwithstanding the foregoing, a utility building or structure, lighting standards, play structures, statue, monument, cenotaph, fountain, or other memorial or ornamental structure, gate houses or buildings and structures accessory to athletic fields may encroach into any required yard.

### **Amendments affecting the table above: ZBA [4]**

The public engagement provided feedback in regard to maximum lot coverage and minimum setback requirements for community gardens. Notwithstanding the regulations provided by the Sec.10 of the Zoning By-law, staff are proposing that the Community Gardens Policy regulate the maximum lot coverage and minimum setback requirements of community gardens to adequately reflect the feedback that was collected during the public engagement period.

Staff recommend that a maximum of lot coverage of 10% will be sufficient to allow for a broad range of community garden types to be established without unduly interfering with other existing and future parking uses/users. If the proposed maximum lot coverage requirement of 10% were implemented, the maximum area of a community garden at Bill Inglis Park would be 304.1 m<sup>2</sup>, as the total park area is approximately 3,041 m<sup>2</sup> (0.75 ac).

Staff note that during the background research regulating community gardens through a maximum lot coverage requirement was seldom seen. For example, Planning staff at the City of Guelph do not set out a maximum lot coverage requirement, but rather work to find a relatively small suitable site that can be used for a garden without interfering with the existing uses and that has suitable shade free/slope free area for a garden and access to water

for irrigation. The proposed Community Garden Policy and the City of Guelph appear to be similar in their approach to establishing community gardens.

The minimum setbacks of the Open Space zone include a minimum front yard setback of 6.0 m, a minimum rear yard setback of 2.0 m, a minimum interior yard setback of 2.0, and a minimum exterior yard setback of 2.0 m. Staff are proposing that the setbacks of community gardens should be as follows:

- Minimum front yard setback of 6.0 m;
- Minimum rear yard setback of 3.0 m;
- Minimum interior yard setback of 3.0; and
- Minimum exterior yard setback of 6.0 m

Staff are proposing an increase to the rear and interior yard setbacks from 2.0 m to 3.0 m to provide sufficient space for access for maintenance equipment such as lawn mowers to pass by the garden without damaging plant material or structures within the garden while still being able to maintain the grassed park area surrounding the garden. Staff are proposing an increase to the minimum exterior yard setback of 6.0 m to ensure that that where community gardens are located on corner lots any plant material or structures within the community garden are aligned with the front yard setback of 6.0 m to ensure visual consistency of the streetscape.

The purpose of amending the required minimum setbacks and setting a maximum lot coverage for community gardens is to adequately reflect the interests of the community in the Community Gardens Policy.

Staff find that the proposed policy conforms to the City's Zoning By-law 2010-078, as amended.

### **Recreation, Parks & Facilities Master Plan: 2018 - 2028**

Section 6.6 of the City's Recreation, Parks & Facilities Master Plan provides direction on the process of transitioning uses of parkland where lands would be removed from the parks system. Examples of transitioning parks/portions of these parks to other recreational uses include, the expansion of sports fields to host large outdoor events, or large parks being reduced in size to encourage better use of space. Sec. 6.6 includes where a transition of use for parkland is proposed, direction from Council and staff shall be based on data such as bookings (sports fields), usage and public input.

The intent of Sec.6.6 of the Recreation, Parks & Facilities Master Plan is to address land being removed from the parks system or being used to accommodate activities such as large outdoor events, which may not

otherwise be permitted by the Recreation, Parks & Facilities Master Plan. As noted, community gardens are a permitted park use and therefore do not trigger the process transitioning uses of parkland.