



Community Gardens Development & Operations Policy

Policy #	POL-43
Effective Date	
Status	Approved
Final Approver	Council

1.0 Purpose

The purpose of this policy, that is amalgamating the previous Community Garden Policy and the Community Orchard & Edible Forest Policy is to establish guidelines for the development and operation of Community Gardens on City-owned lands. This policy establishes the City and its designates' role as a facilitator and provides a framework to ensure equal access for all residents.

2.0 Persons Affected

This policy affects any person, organization, community member, and/or community group interested in developing or operating a Community Garden on the City's owned and operated lands.

3.0 Policy Statement

3.1 Policy Goal

The City recognizes that Community Gardens contribute to community engagement, community awareness, education, increases in self-reliance, community health through nutritional and physical activities, environmental awareness, improved wellbeing, and positive social interaction. Community Gardens are an important tool for the development of healthy communities and quality of life improvements for residents. People can grow healthy and nutritious food, and create more collaborations between plants, soil, organisms, climate, and geology while having a positive impact on the environment. The City supports and encourages the development of Community Gardens on City owned lands.

Community Gardens and this policy support the goals of the [Kingston Strategic Plan 2023-2026](#). Specifically, through Council Priorities – Caring & Inclusive Community and Leading Environmental Stewardship and Climate Action.

Supporting Community Gardens:

- i. Ensures an inclusive, healthy, and safe community by removing barriers to urban food production and supporting the development of a broad community food sustainability plan
- ii. Assists in the protection and conservation of the natural environment through less waste generation, proactive environmental management and building a resilient local food system, in alignment with the development of a community food security plan.
- iii. Promotes ecological corridors and quality greenspace through the expansion of forest canopy, creating inclusive spaces that offer refuge and connection to the natural world.
- iv. Promotes healthy, living soils and biologically diverse ecosystems.
- v. Maintains and increases the protection of green infrastructure (i.e. existing greenspaces, new trees, and pollinator gardens) in alignment with Kingston’s Tree Equity Program.
- vi. Supports the identification and implementation of pollinator garden locations and determines opportunities for ongoing maintenance.
- vii. Ensures respect, responsiveness, and transparency by embedding sustainable leadership through public education and community engagement.
- viii. Continues to ensure economic growth and sound financial future through wise land use and continued self-reliance.

3.2 Community Gardens Definition

For the purposes of this policy, “Community Gardens” are defined as any piece of City owned land gardened collectively by members of the community, in partnership with the City. Community Gardens may include, but are not limited to, the following types of activities and/or features:

- i. Growing annual and perennial crops for food and/or seed, medicinal plants, and flowers.
- ii. Growing Indigenous, cultural, and native plants.
- iii. Pollinator gardens
- iv. Little forests
- v. Community orchards and edible forests including fruit trees, nut trees and/or shrubs.
- vi. Demonstration farming

- vii. Edible landscaping
- viii. Seed saving
- ix. Providing gardening, seed and food sovereignty, and other environmental education activities to encourage the involvement of schools, youth groups and senior citizens in gardening activities.
- x. Hosting harvest festivals and other family-oriented activities that encourage positive social interactions among all community members.
- xi. Encouraging partnerships with other community organizations.
- xii. Donating to local food distribution organizations, food pantries, food banks, and meal programs.

The City recognizes that community led planting and management on City owned lands promotes community development, increases opportunities for recreation, socialization and healthier lifestyle, provides access to healthy food, local seed production, permits sustainable agriculture, and contributes to an increased tree canopy.

These benefits align with goals identified in the Sustainable Kingston Plan, the Parks and Recreation Master Plan and Kingston's Urban Forest Management Plan. The policy is to be applied with consideration of the By-Law to Provide for the Regulation Use of Parks and Recreation Facilities (2009-76), the Community Gardens Development and Operations Policy, and other applicable law.

3.3 City Support for Community Gardens

The City supports Community Gardens by working with non-profit societies and gardening organizations. Subject to available resources, the City:

- i. Promotes community gardening projects and provides contact information to the public of existing Community Gardens (i.e. through the [City of Kingston website](#)).
- ii. Provides access to information on the development and operation of Community Gardens.
- iii. Provides opportunities for grants for funding to start, develop, and manage Community Gardens.
- iv. Facilitates connections between project proponents and other potential partners by providing liaison contacts.
- v. Assists interested groups in searching for suitable land for the development of Community Gardens.

- vi. Where appropriate, assesses the suitability of City-owned land for food consumption and production through a Phase 1 Environmental Analysis (a historical search of the property to determine possible soil contamination from past land uses).

3.4 Policy Application for Edible Community Gardens

3.4.1 Site Selection and Permission Requests

3.4.1.1 Community Garden Process

Garden groups interested in developing a new Community Garden on City-owned land must follow the steps referenced in the City of Kingston's "Application Process For New Community Gardens" document.

3.4.1.2 Site Requirements

The City, or its designate, and the Community Garden group will work together to assess potential Community Garden locations and determine the maximum Community Garden's Footprint and Active Gardening Space for proposed sites.

In identifying new Community Garden location(s), priority and consideration will be given to the following and proposed inground Community Gardens will be reviewed on a case-by-case basis:

- i. Supportive community members where there is evidence that the Garden Group has consulted with neighbouring residents on the proposed new Community Garden.
- ii. For food producing gardens, availability and suitability for growing food for human consumption as per Ontario Regulations (see 3.4.1.3 for more information).
- iii. Sites that do not require site clearing (if required, the Community Gardens group is responsible for site clearing); and in compliance with all regulations including, but not limited to, species at risk, migratory birds and habitat protection).
- iv. Satisfactory underlying soil quality and drainage.
- v. Adequate sun exposure for plant growth.
- vi. Close proximity to urban neighbourhoods and areas of population density.
- vii. Site accessibility during the gardening season.
- viii. Does not create potential public safety issues and is consistent with Crime Prevention Through Environmental Design.

- ix. Availability and accessibility of parking.
- x. Access to existing City treated water infrastructure.
 - a. The City cannot guarantee approval without already existing water hook up capabilities. Community Garden approval would be contingent on existing water supply and hook up capabilities.
 - b. The City agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the Owner or Occupant caused by the breaking of any water service pipe or attachment, or for the shutting off of water to repair or rehabilitate watermains or to tap watermains.
- xi. Site complies with any regulations or development controls (Deeds), including the site's zoning, classification and management plans (Future Development) where applicable.
- xii. Site does not adversely impact existing or future recreation programming, park structures, amenities or other City infrastructure or purpose.
- xiii. Site is not in the presence or proximity of significant natural, cultural or heritage sites.

3.4.1.3 Changes in Land Use

In accordance with Ontario Regulation 153/04 (as amended) pertaining to prohibited changes of land use, only municipal lands where the current or last known use was residential, parkland, or agricultural will be considered. Sites with a historical commercial, industrial use, or contaminated sites, shall not be considered. The soil quality has to be suitable for agricultural use. The site will be reviewed to determine its suitability for growing food for human consumption.

In most cases, food producing gardens will require above ground, raised garden beds and elevated planter beds. The City may approve in-ground beds on a case-by-case basis.

3.4.1.4 Enhancements & Expansions

The installation of a Community Garden enhancement is not permitted without the City's written approval. The Garden Coordinator or Executive must send a written request to the Community Garden Coordinator a minimum of 30 days in advance of the proposed installation.

Any proposed expansion of the Active Gardening Space within an existing Garden Footprint (i.e. building new raised beds, etc) will be subject to City approval. This expansion within the Active Gardening Space must be suitable for the site, and meet health and safety, Design of Public Spaces Standard regulations, and Facility Accessibility Design Standards.

Any proposed expansion of the Community Garden Footprint will:

- I. Be subject to the same application processes and conditions of approval as a new Community Garden (see the City of Kingston's "Application Process for New Community Gardens" document).
- II. Only be considered after a minimum of three years of a new Community Garden being established or previous expansion of an existing garden.

3.4.1.5 Site Plan

The City, or its designate, and the Community Gardens group will work together to prepare a site plan. A Community Garden's site plan must:

- i. Identify the location and size of the Community Garden Footprint. The Community Garden Footprint is determined in consultation with the City and garden group based on the property size and existing/proposed amenities.
- ii. Indicate the location of the active gardening space.
- iii. Include proposed site map, plot layouts, dimensions and construction materials.
- iv. Demonstrate a commitment to sustainable construction and operating practices such as methods of water conservation, composting and waste diversion.
- v. Demonstrate a willingness of volunteers to develop, operate, manage and maintain the community garden including the grass within the garden footprint.
- vi. Not include structures or barriers preventing access to the general public, unless there are specific security concerns.
- vii. Comply with applicable legislation and City by-laws.
- viii. Required setbacks and the designated space between garden plots will be site specific.
- ix. Receive overall community and neighbourhood support to the satisfaction of the City. City staff will work collaboratively with other City departments as applicable.

3.4.1.6 Funding Requirements

All applications will be subject to confirmation of availability of funding for related costs associated with the proposed Community Garden. Grant funding is available on an annual basis subject to application approval.

3.4.1.7 Community Consultation

Community consultation is required for all new (and enhancing) Community Garden requests (except for repairs). The City, its designate, and the garden group will work together to develop the necessary information for community consultation. City staff will work collaboratively with other City departments as applicable. The community consultation will consist of a three-week online survey posted to the City's Get Involved platform, unless in-person consultation is deemed necessary by the City. Proposed designs are required to receive overall community and neighbourhood support to the satisfaction of the City. Constructive feedback gathered during the consultation process will be addressed collaboratively with the garden group. A consensus of support must be demonstrated, and significant opposition or concern must not exist to the development of the proposed Community Garden as deemed by the City, or its designate.

3.4.1.8 City Authority

City staff will work collaboratively with other City departments as applicable throughout the Community Garden approval process. This includes, but is not limited to:

- i. Business, Real Estate & Environment
- ii. Engineering Services (Parks Development)
- iii. Public Works & Solid Waste Services
- iv. Heritage Services
- v. Facility Management & Construction Services
- vi. Communications & Customer Experience

The City, or its designate, may deny any proposed Community Garden site for any reason at its sole discretion.

3.4.2 Construction

3.4.2.1 Requirements

Prior to the construction of a Community Garden, the City requires that the Community Garden group enter into a Community Garden Partnership Agreement.

Raised garden beds, separated from the existing ground by a geotextile membrane, are required for new Community Gardens unless otherwise authorized by the City. The raised garden beds and clean soil are to be provided by the Community Garden group. The City may assist with the cost of the geotextile membrane layer, subject to available funding.

3.4.2.2 Accessibility

Community gardens are required to meet AODA standards. New Community Gardens must consist of 10% of the area of the plant beds but not less than one shall be an accessible bed (Refer to 9.3); and located on an accessible route to be provided by the City. For existing gardens, the pathways will be incorporated during redevelopment or expansion to the surrounding City-owned land. All new walkways must meet the requirements of the Design of Public Spaces. Standard Gardens shall be located in areas where accessible routes to the garden are deemed reasonable by staff to implement.

3.4.2.3 Additional Conditions

Community Gardens proposed within 30 metres of a Floodplain, Stormwater management facility, wetland, drainage swales, watercourse or lake shall be subject to the following conditions:

- i. The use of City water to irrigate the Community Garden may be restricted or require discharge control measures that reduce the chlorine so as not to harm aquatic plants and animals.
- ii. Soil conditioners such as compost are prohibited.
- iii. Only native species may be planted in floodplains in an Environmental Protection Area.

The City reserves the right to waive conditions relating to the construction of new Community Gardens for site specific applications.

3.4.3 Operations

- i. The City will maintain an annual fund to support the development of new Community Gardens and the enhancement/maintenance of existing Community Gardens. The City, or its designate, may provide information to the Garden group on other sources of funding.
- ii. The City, or its designate, will provide information on how to develop and maintain Community Gardens.
- iii. The City, or its designate, will support and encourage community gardening projects with the common goals of sharing knowledge and skills, enhancing interaction between garden members and increasing awareness of and access to the City's Community

Gardens.

- iv. The City will dispose of non-organic waste from a Community Garden site from existing City garbage containers located within designated City parks.
- v. Community Garden groups are responsible for grass cutting within the Community Garden Footprint itself.
- vi. The Community Garden group is responsible for obtaining the required Comprehensive General Liability Insurance.
- vii. Vehicle access is not permitted without written City approval, and confirmation of the required Comprehensive Automobile Liability Insurance.
- viii. The installation of Community Garden enhancements is not permitted without the City's written approval (as per 3.4.1.4).
- ix. The site shall be open for public access at all times. Locked barriers are not permitted.
- x. Installations of any permanent structures or any permanent signage requires prior consent from the City.
- xi. Where water access is provided, the Community Garden group may be responsible for all costs associated with water usage. Water consumption and access may be controlled by locks and metering systems.
- xii. A fee structure may be developed by the Community Gardens group in consideration of the expected operating costs of the Community Garden as well as the ability of garden members to pay. In order to ensure equal access and opportunity to all community members, the fee structure must provide a fee waiver or sliding scale fee for those that indicate they are unable to pay the garden plot fee (if applicable). Fee structuring and collection will be the responsibility of each individual Community Garden group.
- xiii. Community Garden groups must agree to abide by the Province of Ontario's Pesticide Act 63/09. Chemical insecticides, herbicides, fungicides and synthetic fertilizers are prohibited in all Community Gardens.
- xiv. The City encourages biodiverse, resilient and ecological gardening practices, as well as the use of local seeds. Environmental innovation and demonstration is encouraged.

3.4.4 Conditions of Use

The Community Garden group must agree to develop, operate, manage, and maintain the gardens according to the terms of this Policy and the Community Garden Partnership Agreement, which shall include, but are not limited to:

- i. The standard term of the Community Gardens Land Use Agreement will be five years; with an option to renew.
- ii. The City, or its designate, will provide written notice to the Community Garden when they enter the last year of their Community Garden Land Use Agreement term. The Community Garden group must submit a written request for renewal.
- iii. The Community Garden group must submit an annual report that details its activities, amenities and current membership, subject to the requirements laid out by the City or its designate. The City or its designate will provide an annual report template.
- iv. For gardens without oversight from a designated staff member from a community organization, a Garden Coordinator or Executive must be selected and/or elected through an open and transparent process.
- v. Injury and/or removal of any existing tree on City owned lands shall not be permitted unless authorized by the City.
- vi. All food-producing tree and shrub varieties proposed to be planted as part of a Community Garden, shall be subject to City approval prior to planting.
- vii. Existing food-producing trees and edible landscapes on public lands may be foraged or informally harvested for personal consumption at the participant's own risk; those participating in foraging or informal harvesting should make themselves aware of the risks associated with the growing conditions, environment and plant and food materials. For informal foraging and harvesting, the site of the existing tree(s) or shrub(s) will not be reviewed by the City to determine its suitability for growing food for human consumption.
- viii. The produce harvested from Community Gardens, as described in this policy, shall not be used for commercial purposes. The selling of produce for the purpose of fundraising may be permitted given that all applicable permits and licenses are in place.
- ix. Where growing food from existing trees for human consumption is determined to be unsuitable, through the processes described in this policy, the City reserves the right to remove the tree if it poses

an obvious potential health risk to the public.

- x. If a Community Garden group requests to remove a food-producing tree or bush from a site, then approval from the City shall be required. The removal of trees on City land may be subject to a tree permit under the Tree By-Law.
- xi. The City may inspect, at any time, a Community Garden site to ensure adherence to the terms and conditions of the Community Garden Land Use Agreement. Failure to comply with the terms and conditions of the Community Garden Partnership Agreement or this policy will result in a written warning. Failure to correct deficiencies in a timely manner or further neglect of the terms and conditions of the Community Garden Land Use Agreement or this policy may result in termination of the Community Garden Land Use Agreement. The City has the authority to remove a Community Garden site if it is not being used or maintained by a Community Garden group before the following harvest season of its abandonment, the City reserves the right to remove the Community Gardens site.
- xii. Each Community Garden group must provide proof of comprehensive general liability insurance in the amount specified by the City and shall agree to indemnify, defend and hold harmless the City from and against any damage or injury to any person or any real property.
- xiii. Each Community Garden group must provide proof of automobile comprehensive general liability insurance in the amount specified by the City if vehicles are required to access the garden and where a vehicle access permit has been issued by the City, or through its designate.

Use of the site can be revoked for non-compliance with any conditions related to the Community Garden Agreement, City by-laws and/or Provincial regulations or if the property is required for any other purpose. The City may remove the Community Gardens at any time if not actively utilized and/or maintained by the Community Gardens Group, to the satisfaction of the City, or its designate. The City, or its designate, may deny any proposed Community Gardens program activity for any reason at its sole discretion.

4.0 Responsibilities

4.1 Community Garden Requests

City staff will work with its designate to review requests from residents for community gardens on City-owned lands. Staff will work to designate sites for approved applicants for the purpose of community gardening as per the terms of the policy.

4.2 Community Garden Conflict Resolution

The Director of Recreation & Leisure Services, or designate, is responsible for resolving any issues or conflicts related to this policy.

4.3 Breach of Policy

Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

5.0 Policy Application Non Edible Community Gardens and Forests

The City supports Non Edible Community Gardens by working with non-profit societies and gardening organizations. Subject to available resources, the City:

- i. Promotes community gardening.
- ii. Provides access to information on the development and operation of Non-Edible Community Gardens.
- iii. Based on licensing agreements, provide trees and/or plant material for the initial set up and ongoing maintenance of the garden or forest.
- iv. Facilitates connections between project proponents and other potential partners by providing liaison contacts.
- v. Assists interested groups in searching for suitable land for the development of Non-Edible Community Gardens.

5.1.1 Site Selection and Permission Requests for Non-Edible Community Gardens

5.1.1.1 Community Garden Process for Non-Edible Community Gardens

Garden groups interested in developing a new Non-Edible Community Garden on City-owned land must follow the steps referenced in the City of Kingston's "Application Process for New Non-Edible Community Gardens" document.

5.1.1.2 Site Requirements

The City, or its designate, will work together to assess potential Non Edible Community Garden locations and determine the maximum footprint for proposed sites.

In identifying new Non-Edible Community Garden location(s), priority and consideration will be reviewed on a case-by-case basis, looking at the following:

- i. Supportive community members where there is evidence that the Garden Group has consulted with neighboring residents on the proposed new Non-Edible Community Garden.
- ii. Sites that do not require site clearing (if required, the Non-Edible Community Gardens group is responsible for site clearing).
- iii. Satisfactory underlying soil quality and drainage.
- iv. Close proximity to urban neighborhoods and areas of population density.
- v. Site accessibility.
- vi. The site complies with any regulations or development controls (Deeds), including the site's zoning, classification and management plans (Future Development) where applicable.
- vii. Site does not adversely impact existing or future recreation programming, park structures, amenities or other City infrastructure or purpose.
- viii. A site is not in the presence or proximity of significant natural, cultural or heritage sites.

5.1.1.3 Changes in Land Use

In accordance with Ontario Regulation 153/04 (as amended) pertaining to prohibited changes of land use, only municipal lands where the current or last known use was residential, parkland, or agricultural will be considered.

5.1.1.4 Enhancements & Expansions

The installation of a Non-Edible Community Garden enhancement is not permitted without the City's written approval. The Community Group must obtain written approval in advance of the proposed installation.

Any proposed expansion of the non-edible Community Garden Footprint will:

- i. Be subject to the same application processes and conditions of approval as a new non-edible Community Garden (see the City of Kingston's "Application Process for New Non-Edible Community Gardens" document).
- ii. Only be considered after a minimum of three years of a new Non-Edible Community Garden being established or previous expansion of an existing garden.

5.1.1.5 Site Plan

The City, or its designate, and the non-edible Non Edible Community Gardens group will work together to prepare a site plan. A non-edible Community Garden's site plan must:

- i. Identify the location and size of the Community Garden Footprint. The Community Garden Footprint is determined in consultation with the City and garden group based on the property size and existing/proposed amenities.
- ii. Include proposed site map, layouts, dimensions, and construction materials.
- iii. A listing of all species to be planted on the site. Species must be native to this area or native to growth zones immediately adjacent to Kingston.
- iv. Demonstrate a commitment to sustainable construction and operating practices such as methods of water conservation, composting and waste diversion.
- v. Demonstrate a willingness of volunteers to develop, operate, manage, and maintain the community garden for a minimum of 3 years.
- vi. Not include structures or barriers preventing access to the public unless there are specific security concerns or concerns with damage by animals during the early phase of garden or forest development.
- vii. Comply with applicable legislation and City by-laws; and
- viii. Receive overall community and neighborhood support to the satisfaction of the City. City staff will assist in consultation with other City departments as applicable.

5.1.1.6 Funding Requirements

When funding is available Public Works will fund a portion of the cost of the plants and/or supplies for the initial installations. Support will be specified in each individual licensing agreement.

The Public Works Department will maintain a small budget for ongoing maintenance support for community groups. On an annual basis, based on requests from community groups maintaining gardens or forests, the Director of Public Works will determine what supplies or plantings will be made available for maintenance of existing gardens are available for the community groups maintaining the gardens.

5.1.1.7 Community Consultation

Community consultation is required for all new (and enhancing) Non-Edible Community Garden requests. The City, its designate, and the garden group will work together to develop the necessary information for community consultation. City staff will assist in consultation with other City departments as applicable. The community consultation will consist of a three-week online survey posted to the City's Get Involved platform, unless in-person consultation is deemed necessary by the City. Proposed designs are required to receive overall community and neighborhood support to the satisfaction of the City. Constructive feedback gathered during the consultation process will be addressed collaboratively with the garden group. A consensus of support must be demonstrated, and significant opposition or concern must not exist to the development of the proposed Community Garden as deemed by the City, or its designate.

5.1.1.8 City Authority

City staff will work in consultation with other City departments as applicable throughout the Non-Edible Community Garden approval process. This includes, but is not limited to:

- i. Business, Real Estate & Environment
- ii. Engineering Services (Parks Development)
- iii. Public Works & Solid Waste Services
- iv. Heritage Services
- v. Facility Management & Construction Services
- vi. Communications & Customer Experience

The City, or its designate, may deny any proposed Community Garden site for any reason at its sole discretion.

5.2.1 Construction

5.2.1.1 Requirements

Prior to the construction of a Community Garden, the City requires that the Community Garden group enter into a Licensing Agreement with the City of Kingston.

5.2.1.2 Accessibility

Any walkways developed through a Non Edible Community Garden or Little Forest are required to meet AODA standards. Non-Edible Community Gardens must meet the requirements of the Design of Public Spaces Standard. Gardens shall be located in areas where accessible routes to the garden are deemed reasonable by staff to implement.

5.2.1.3 Additional Conditions

Non-Edible Community Gardens proposed within 30 meters of a Floodplain, Stormwater management facility, wetland, drainage swales, watercourse or lake shall be subject to the following conditions:

- i. The use of City water to irrigate the Community Garden may be restricted or require discharge control measures that reduce the chlorine so as not to harm aquatic plants and animals.
- ii. The development of the site will not result in additional cost to the City, such as environmental remediation or archaeological potential clearance;
- iii. Soil conditioners such as compost are prohibited; and
- iv. Only native species may be planted in floodplains in an Environmental Protection Area.

The City reserves the right to waive conditions relating to the construction of new Non-Edible Community Gardens for site specific applications.

5.3.1 Operations

The City will maintain a minimal fund to support the maintenance of Non-Edible Community Gardens. The City, or its designate, may provide information to the Garden group on other sources of funding.

- i. The City, or its designate, will approve non edible community garden plans and plant selections.
- ii. The City, or its designate, will support and encourage community gardening projects with the common goals of sharing knowledge and skills, enhancing interaction between garden members and increasing awareness of and access to the City's Non-Edible Community Gardens.
- iii. The City will dispose of non-organic waste from a Community Garden site from existing City garbage containers located within designated City parks.
- iv. Vehicle access is not permitted without written City approval.
- v. The installation of Community Garden enhancements is not permitted without the City's written approval (as per 3.4.1.4).
- vi. The site shall be open for public access at all times. Barriers shall be utilized only when there are concerns with damage by animals during the development phase of garden or forest development.

- vii. Locked barriers are not permitted.
- viii. Installation of any permanent structures or any permanent signage requires prior consent from the City.
- ix. Non-Edible Community Gardens groups must agree to abide by the Province of Ontario's Pesticide Act 63/09. Chemical insecticides, herbicides, fungicides and synthetic fertilizers are prohibited in all Non-Edible Community Gardens.
- x. The City encourages biodiverse, resilient and ecological gardening practices, as well as the use of local seeds. Environmental innovation and demonstration is encouraged.
- xi. Seed stock produced through the regular operation of the Non-Edible Community Garden will be available for use by the community group managing the garden.

5.4.1 Conditions of Use

The Community Garden group must work within the requirements of the licensing agreement. The following additional requirements shall be met:

- i. Non-Edible Community Gardens Injury and/or removal of any existing tree on City owned lands shall not be permitted unless authorized by the City.
- ii. No food-producing tree and shrub varieties shall be planted as part of a Non-Edible Community Garden.
- iii. All Plant species shall be approved by the Public Works Department prior to planting.

Use of the site can be revoked for non-compliance with any conditions related to the Community Garden Agreement, City by-laws and/or Provincial regulations or if the property is required for any other purpose. The city may remove the Non-Edible Community Gardens at any time if not actively utilized and/or maintained by the Non Edible Community Gardens Group, to the satisfaction of the City, or its designate. The City, or its designate, may deny any proposed Non-Edible Community Gardens program activity for any reason at its sole discretion.

5.5 Responsibilities for Non-Edible Community Gardens

5.5.1 Community Garden Requests

Public Works staff will work to review requests from residents for Non Edible Community Gardens on City-owned lands. Staff will work to designate sites for approved applicants for the purpose of non-edible community gardening as per the terms of the policy.

5.5.2 Community Garden Conflict Resolution

The Director of Public Works, or designate, is responsible for resolving any issues or conflicts related to this policy.

5.5.3 Breach of Policy

Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

6.0 Approval Authority

Role	Position	Date Approved
Legal Review	Senior Legal Counsel	
Management Review	Supervisor, Rec & Com Dev Manager, Rec Services Manager, Rec Facilities Manager, Public Works Manager, Parks	
Final Approval	Council	

7.0 Revision History

This policy and its associated procedures shall be reviewed in three (3) years.

Effective Date	Revision #	Description of Change

8.0 Appendix

8.1 Related Procedures and Forms

Community Garden Land Use Agreement

Annual Report Template

8.2 Related Policies, Legislation & Bylaws

Parks and Recreation Facilities By-Law, By Law Number 2009-76

9.0 Related Definitions

9.1 Accessible

A product or service with features that are intended to remove barriers for people living with exceptionalities in accordance with the AODA.

9.2 AODA

Means the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11

9.3 Accessible Garden Bed

A plot or garden space raised 18 inches above the ground surface with a width of 36-48 inches if accessible from both sides, 12-24 inches if accessible only from one side, and located on an accessible path of travel in compliance with the Design of Public Spaces Standards.

9.4 Active Gardening Space

The approved area within the Community Garden Footprint that is being used for a Community Garden.

9.5 Allotment Garden/Plot

The garden space for cultivating vegetables, fruits, herbs, native plants and/or ornamentals that is available to individual garden members.

9.6 City

Or Corporation means the Corporation of the City of Kingston, or its representatives.

9.7 City's Designate

A third-party organization contracted by the City to support implementation of this policy.

9.7 Clean Soil

Imported soil that is free of contaminants, refuse and putrescible wastes.

9.8 Collective Garden/Plot

A shared Community Garden space for cultivating vegetables, fruits, herbs, native plants and/or ornamentals that is available to all garden members.

9.9 Community Garden

A site operated by community members and/or a community organization where

City-owned lands are used for the growing of annual and perennial food plants, seeds, medicinal plants, growing Indigenous, cultural, and native plants, pollinator gardens, little forests, community Orchards and Edible forests including fruit trees, nut trees and/or shrubs, demonstration farming and edible landscaping plots.

9.10 Community Garden Coordinator or Executive

An individual (Coordinator) or group (Executive) that governs the Community Garden and serves as the contact point for the City or its designate.

9.11 Community Garden Enhancement

An improvement or augmentation to an existing garden (i.e. rain barrels, compost, picnic tables).

9.12 Community Garden Footprint

The approved maximum area a Community Garden can occupy.

9.13 Community Garden Group

A minimum of ten individuals who participate together in a Community Garden project in the function of member, Garden Coordinator or Executive.

9.14 Community Garden Partnership Agreement

The written terms and conditions that the City and garden members agree to abide by. Previously referred to as Community Garden Partnership Agreement.

9.15 Community Orchard

Means an area of land containing one or more fruit or nut trees and/or shrubs that is managed by a community gardens program group. These lands may include Edible Landscapes, Permaculture, and Food-producing Trees.

9.16 Donation Garden/Plot

A plot where food is planted and harvested by a group of garden members and donated to a local food distribution organization such as a food pantry, food bank, meal program or other such related organization.

9.17 Drainage Swale

A low tract of land, especially one that is moist or marshy for the purpose of capturing surface runoff.

9.18 Edible Landscape

Means an installation of plants that serve a decorative landscaping function, including trees, shrubs, and perennials, where some or all of the plants or the fruits

or nuts produced by the plants, are suitable for human consumption.

9.19 Food-Producing Trees

Means a tree or shrub that produces fruits or nuts that are suitable for human consumption.

9.20 Floodplain

Lands subject to flooding as regulated by the Cataraqui Region Conservation Authority (CRCA).

9.21 Geo-Textile Membrane

A synthetic membrane or barrier similar to landscape fabric but constructed to higher standards which are impermeable. Common uses include pond liners and landfill liners. For this application, the requirement is to ensure no deep root penetration and as such a variety of products would be acceptable.

9.22 Liability Insurance

Coverage that provides protection from claims arising from injuries to other people or damage to other people's property.

9.23 Little Forests

A shift from planting trees for ornamental landscapes to planting forests as flourishing, biodiverse Indigenous ecosystems.

9.24 Membership

The privilege conferred upon garden members to access a Community Garden for gardening or non-gardening purposes in exchange for certain responsibilities fulfilled by each member.

9.25 New Community Garden

A Community Garden in the first 12 months of operation, or an approved Community Garden expansion.

9.26 Raised Garden Bed

A plot or garden space that is raised above ground level, underlined completely by a geo-membrane layer, filled with only clean soil, and provides the area required for the growth of the plants including all root structures.

9.27 Stormwater Management Facility

A pond and surrounding lands, channel, ditch, overland flow route or any element of the City drainage system used to control flooding.