



Planning for Food- Friendly Municipalities in Waterloo Region



August 2013

Prepared by Krista Long

Waterloo Region Healthy Communities Partnership

In May 2009, Region of Waterloo Public Health (Public Health) was asked by the Province to establish a Waterloo Region Healthy Communities Partnership (Partnership) to improve population health outcomes through the development of local healthy public policies in six health promotion priority areas – physical activity, sport and recreation, injury prevention, healthy eating, tobacco use/exposure, substance and alcohol misuse, and mental health promotion. The Partnership was formed in late 2009 and developed a two-fold vision to create a strong voice for health promotion in Waterloo Region and to reflect the diversity of our community in decision making. In March 2010, a *Community Picture* was released and identified three priority actions for the Partnership:

1. Implement the *Healthy Community Food System Plan for Waterloo Region* which includes food skills and food access. Ensure that the plan addresses issues which contribute to the viability of local farms and ensure access to healthy eating options through the implementation of regional and municipal planning, human services, and zoning support.
2. Improve the affordability and availability of physical activity, sports and recreation opportunities, including active transportation, at the neighbourhood level and region wide (including formal and informal).
3. Use social determinants of health approach to address the underlying contributing factors associated with mental health and to advocate for stakeholders to adopt and fund such an approach.

Three existing and nascent networks stepped forward to guide next steps regarding these priority actions. The Waterloo Region Food System Roundtable, the Waterloo Region Active Living Network, and the Mental Health Work Group agreed to act as the respective leads for the food system, physical activity, and mental health priorities. This report, *Planning for Food Friendly Municipalities*, was made possible by a third round of funding by the Ministry of Health and Long Term Care in January 2013; it is intended to support the evolving work of the Waterloo Region Healthy Communities Partnership. Two other reports have been prepared due to this third round of funding. They are *Blueprint for Physical Activity – A Report to the Waterloo Region Active Living Network* and *Building Capacity for Policy Work: What Helps and Hinders Healthy Eating, Physical Activity and Good Mental Health for Residents of Wilmot Township*.

Readers with questions regarding the Partnership are welcome to contact Katherine Pigott at KPigott@regionofwaterloo.ca or 519-575-4400 ext. 5415. Those who would like further context regarding this report should contact, Marc Xuereb at MXuereb@regionofwaterloo.ca or 519-575-4400 ext. 5872.

The perspective and recommendations expressed within *Planning for Food-Friendly Municipalities in Waterloo Region* belong to the consultant and do not necessarily reflect the perspective of the Ministry of Health and Long Term Care or Region of Waterloo Public Health.

Acknowledgements

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Marc Xuereb, Public Health Planner, Healthy Eating and Active Communities Program, Region of Waterloo Public Health

Waterloo Region Food System Roundtable Municipal Food Policy Working group members: Ellen Desjardins, Jason Vistoli, Greg Michalenko, Laura Callum, Meg Herod

John Lubcynski, Principal Planner, Region of Waterloo Planning, Housing and Community Services

Katherine Pigott, Manager, Healthy Eating and Active Communities Program, Region of Waterloo Public Health

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Executive Summary

Municipalities across Canada have been placing more emphasis on planning for and supporting local food systems through the development of food policies, food charters, and land use policies. Waterloo region has been seen as a leader in this movement, with the Regional government having published a comprehensive farm-to-fork report in 2005 (*Towards a Healthy Community Food System for Waterloo Region*, ROWPH) and a subsequent plan to implement its findings in 2007 (*A Healthy Community Food System Plan for Waterloo Region*, ROWPH). The Region was one of the first municipalities to include land use policies that support a healthy local food system and access to healthy, local foods in its Regional Official Plan (ROP) in 2009. In April 2013 it adopted a local Food Charter.

The Waterloo Region Food System Roundtable (the Roundtable) has been a strong supporter and advocate for land use policies in support of local food. The Roundtable played a key role in getting Regional Council to incorporate food policies into the ROP, which included policies that support community gardens and temporary farmers' markets in the Region. It then proceeded to advocate – successfully, in the case of the Cities of Cambridge and Waterloo – for permissive policies that may permit temporary farmers' markets and community gardens in all land use zones in the official plans of the Region's three cities.

This report seeks to give further advice on how the Roundtable and other supporters of food-friendly municipalities in Waterloo region can advocate for even more supportive environments for community gardens and temporary farmers' markets. It looks beyond the contents of Official plans and examines other ways that municipalities in Waterloo region can support temporary farmers' markets and community gardens. It includes a review of:

- Zoning by-laws that can permit temporary farmers' markets and community gardens in all land use designations and zones;
- supportive licensing by-laws and regulations for temporary farmers' markets;
- incentives such as reduced or waived fees for temporary farmers' markets; and
- other policies specific to community gardens.

With regard to temporary farmers' markets, this report recommends that people who want food-friendly municipalities in Waterloo region advocate for:

1. Zoning by-laws that permit temporary farmers' markets in all land use zones

Official plan policies that say temporary farmers' markets "may be permitted" in all land use designations do not guarantee they will be permitted in all land use zones in the updated Comprehensive Zoning By-laws for each municipality. Instead, they give municipal zoning by-laws the discretion to permit or not permit temporary farmers' markets in specific zones. Advocates who want to see temporary farmers' markets in all land use zones will need to encourage municipalities to make the necessary changes in their Zoning By-Laws.

2. Zoning by-laws that, at the very least, permit temporary farmers' markets in all community centres

Limiting temporary farmers' markets to commercial land use zones, as some municipalities in Waterloo region currently do, excludes community centres from hosting temporary farmers' markets, unless the centre is located in a commercial zone. Community centres are often logical and supportive hosts for temporary farmers' markets in a neighbourhood.

3. Zoning by-laws that create exemptions for temporary farmers' markets as an outdoor use in zones that regulate retail uses to be enclosed within a building

In a number of commercial zones, the zoning regulations require retail uses to be enclosed in a building. This limits temporary farmers' markets from being located in these commercial zones unless their operators apply for and receive a zoning variance. Instead, municipalities should create exemptions for temporary farmers' markets in these zones.

4. Licensing by-laws that permit temporary farmers' markets in residential and school zones

Licensing by-laws in the cities of Cambridge and Waterloo currently prohibit temporary farmers' markets from operating in residential zones and in areas close to schools. However, providing access to healthy, fresh foods through temporary farmers' markets in residential areas and school zones helps achieve many public health goals.

5. Consistent zoning and licensing by-laws governing temporary farmers' markets

Zoning and licensing by-laws sometimes contradict each other. For instance, the City of Kitchener Licensing By-law (Chapter 549) includes a section pertaining to a Farm Vendor License, and a Temporary Market License which provides support for groups interested in running a temporary farmers' market. However, the licensing by-law does not concern itself with zones, so groups would still need to consult the zoning by-laws to determine if a temporary farmers' market is permitted in the zone they are located in before applying for a business license.

6. Consistent licensing by-laws among all municipalities in the region

The Township of North Dumfries Vendor By-law prohibits 'the operation of chip wagons, refreshment carts, and refrigerated bicycle vending vehicles'. Mobile canteens are the only food vendor permitted in North Dumfries Township communities. Although the by-law is commendable for limiting access to less nutritious foods, it also poses restrictions for temporary farmers' markets, while other municipalities in the region permit them.

7. Reduced or waived license fees for temporary farmers' markets

The business license fee to operate temporary farmers' markets in some Waterloo region municipalities is prohibitive for many potential operators. In the City of Kitchener, for example, it is \$148/season if you are re-selling products purchased from local farmers, or \$496/three days to a maximum of \$3,893 for the season if you are hosting a market with more than one vendor (which many temporary markets do). Fees in other municipalities in the region can range from \$750 to over \$2,500 for the season. In these cases the vendor fees are prohibitive for temporary

farmers' markets that typically gross less than \$6,000 in a season. The fees will need to be re-examined to permit and support temporary farmers' markets in the region.

8. A guide to help potential temporary farmers' market operators navigate the rules

The process for a group or business to navigate zoning and licensing by-laws and obtain a business license to operate a temporary farmers' market can be costly and confusing. An official guide, toolkit, or information sheet to help groups navigate the process would be a great help to potential operators of temporary farmers' markets.

With regard to community gardens, this report recommends advocacy for:

1. Zoning by-laws that permit community gardens in all land use zones

Official plan policies that say community gardens "may be permitted" in all land use designations do not guarantee they will be permitted in all land use zones in the updated Comprehensive Zoning By-laws for each municipality. Instead, they give municipal zoning by-laws the discretion to permit or not permit community gardens in specific zones. Aside from hazard lands, or sites that may have soil or other contaminant concerns, there should be no reason to prohibit community gardens in specific zones.

2. Permission and support for community gardens in higher density residential areas

Community gardens could be included in the definition for the required "landscaped open space" designations in medium and high density developments. As development intensifies throughout the region, this designation can help provide more space for community gardens and growing food, as well as making higher density neighbourhoods more attractive places to live.

3. Incentives or requirements for community gardens to be included in new developments

Existing neighbourhoods often do not have space for community gardens. However, as new infill developments and developments adjacent to existing neighbourhoods are built, space can be provided for community gardens through zoning by-laws and regulations, and density bonusing.

4. Municipal Community Garden policies that:

- a) set targets for increasing community garden sites or for creating a garden in every neighbourhood;
- b) create an inventory or system of identifying regional and city-owned lands potentially available for garden sites;
- c) propose a strategy for creating allotment gardens;
- d) provide for land tenure;
- e) provide free or low-cost access to water and soil testing for community gardens;
- f) identify the municipality's role in encouraging private businesses and landowners to provide space for community gardens;
- g) officially endorse community gardens; and

h) provide community garden support staff.

5. Inclusion of community gardens in park and leisure services master plans

The City of Toronto has recently updated their Parks Plan and included community gardens in the planning for parks and open spaces in the city. Similar opportunities exist in Waterloo region. For example the City of Waterloo could include community gardens in their Park Masterplan; the City of Cambridge in its Park and Leisure Services Plan; and the City of Kitchener in its Parks Strategic Plan. This would show support and encourage community gardens in the region.

6. Creation of a community garden action plan

The City of Ottawa and the Community Garden Network partnered on a community garden action plan that was created in 2004. They evaluated and revised the plan in 2009. The plan provides for measurable targets, as well as outlines the city's role in supporting gardens and the community garden network's role. The plan is a tool for measuring the progress and success of increasing community gardens in the region. Municipalities in Waterloo region could work with the Community Garden Council to create a region-wide community garden strategy.

Community gardens and temporary farmers' markets are part of the urban fabric that helps to create vibrant food-friendly municipalities. As the region continues to grow and intensify, planning for temporary farmers' markets and community gardens will be required to help achieve public health goals. This report, and the recommendations within, can help municipalities within Waterloo region better support and encourage temporary farmers' markets and community gardens.

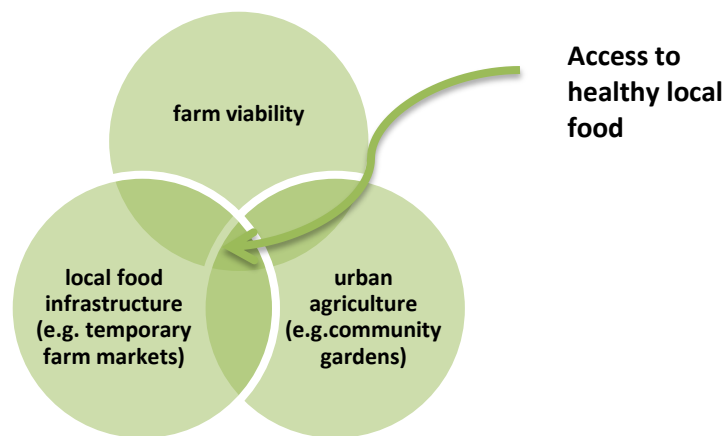
Introduction

Background

Municipalities across Canada have been placing more emphasis on planning for and supporting local food systems through the development of food policies, food charters, and land use policies. Waterloo region has been seen as a leader in this movement with the Regional government having published a comprehensive farm-to-fork report in 2005 (*Towards a Healthy Community Food System for Waterloo Region*) and a subsequent plan to implement its findings in 2007 (*A Healthy Community Food System Plan for Waterloo Region*). The Region was one of the first municipalities to include land use policies that support a healthy local food system and access to healthy, local foods in its Regional Official Plan (ROP) in 2009, and in April 2013 it adopted a local Food Charter.

The Waterloo Region Food System Roundtable (the Roundtable) has been a strong supporter and advocate for land use policies in support of local food. The Roundtable played a key role in getting Regional Council to incorporate food policies into the ROP, which included policies that support community gardens and temporary farmers’ markets in the Region. It then proceeded to advocate – successfully, in the case of the Cities of Cambridge and Waterloo – for permissive policies that permit temporary farmers’ markets and community gardens in all land use zones in the official plans of the Region’s three cities.

Focusing on community gardens and temporary farmers’ markets supports four of the Roundtable’s six food system priorities for building a healthy local food system: local food infrastructure, urban agriculture, farm viability and access to healthy foods.



Scope of the Research

This report builds on the advocacy work of the Roundtable and the *Supporting Advocacy on Municipal Official Plans* report completed in April 2012. This report summarizes the existing and recommended land use policies, including official plan policies, zoning by-laws and Regulations, licensing by-laws and

regulations, and community garden policies that could further support community gardens and temporary farmers' markets in Waterloo region's municipalities.

The research included a scan of existing land use policies in Waterloo region municipalities, land use policy examples from other municipalities in Ontario and Canada, and interviews with municipal and regional staff and Councillors.

Along with this report, a workshop was developed and facilitated to train interested Roundtable members and members of the public on advocating for stronger municipal policies in support of temporary farmers' markets and community gardens, and an event was organized to share the information from this report and hear about temporary farmers' markets and community garden project and policy examples from other municipalities.

Temporary Farmers Markets

The Region of Waterloo defines temporary farmers' markets as:

“outdoor food stands using temporary structures to sell food products to the public. The foods sold would be primarily from local sources, and may include processed foods such as jams and preserves and other farm-made products. Stand operators could be farmers or staff or volunteers of a business or organization with a permit to operate the stand”. (ROP, 2009)

As such, the term temporary farmers' markets can include a diversity of market styles including seasonal farmers' markets where farmers bring their product for sale, “pocket” or neighbourhood markets where a local group purchases produce from a local farm and offers it for sale in the community through a temporary market stand, corner fruit and vegetable stands, and mobile markets where a group, market or organization brings fresh food boxes on a truck to areas of the community with lower food access.

This report does not differentiate between the various types of temporary farmers' markets. It also does not discuss permanent farmers' markets. Although farmers' markets of all scales are important in a community, and the region may need to look at expanding permanent farmers' markets as the population grows, this type of analysis is outside the scope of this report.

It is also important to differentiate between temporary farmers' markets and food trucks. For instance, the City of Waterloo has revised their by-law for food trucks to allow restaurant owners to offer “mobile gourmet food services” (e.g., not just chip wagons) in the downtown core. This topic is beyond the scope of this report, as a food truck is not a temporary farmers' market. Food trucks may help make various prepared foods more accessible, however their primary purpose is not to provide fresh, healthy local foods.

Community Gardens

Community gardens are generally described as “an area of publicly or privately owned land, rooftop, or other space managed and maintained by individuals and/or non-profit organizations, to grow and harvest food crops and/or non-food ornamental crops, such as flowers for personal or group use,

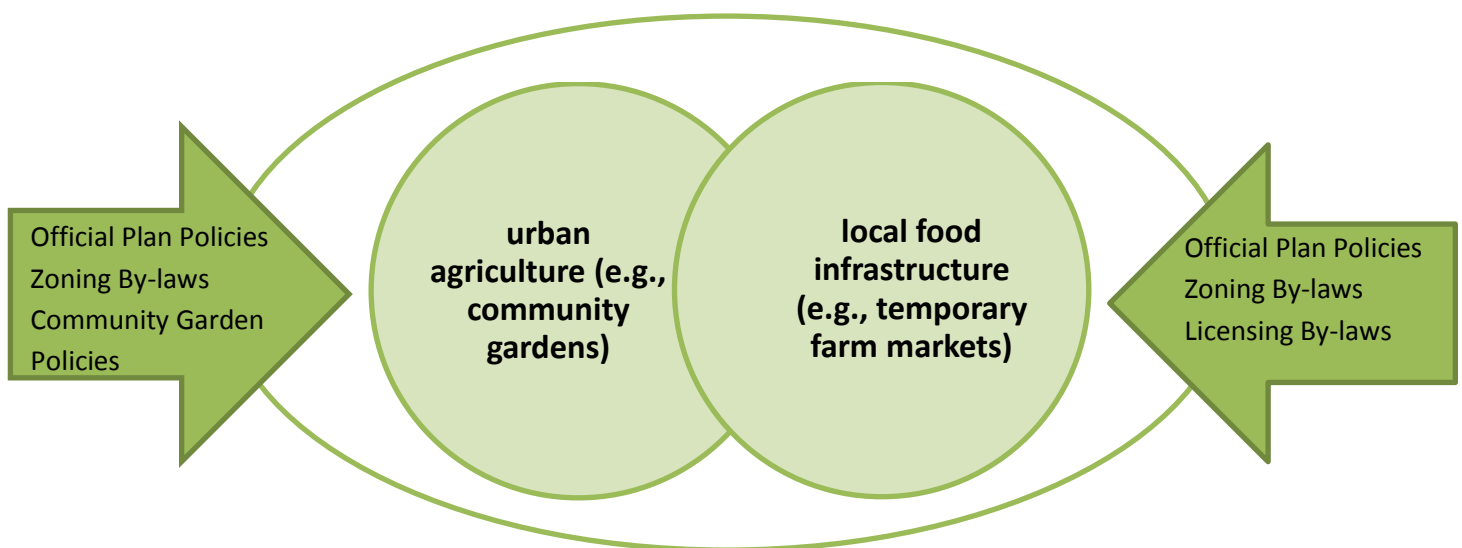
consumption or donation. Community gardens may be divided into separate plots or may be farmed collectively and may include common areas maintained and used by community garden members”. This definition comes from the revised City of Cambridge Official Plan, and will serve as the general definition of community gardens for this report. Although community gardens do provide plots (sometimes called allotments), allotment gardens are different, as they are managed by the municipality, and therefore are not included in the definition of community gardens for the purpose of this report. Allotment gardens, however, are discussed as a strategy within the report.

Municipal Land Use Policies and Food

Municipalities have a number of land use planning tools they can use to help provide better access to healthy food, including:

- providing permissive policies in official plans;
- providing permissive policies in zoning and licensing by-laws;
- providing municipal incentives, such as reduced or waived fees; and
- creating community garden policies.

The hierarchy of municipal land use planning policies and tools looks something like this. Food charters, food strategies, and urban agriculture strategies are broader tools that link with and shape the direction for supportive land use policies.



Official plan policies outline what uses may be permitted in certain land use designations in municipalities. Municipalities can use various language and tools to create permissive policies within an official plan, such as “may be permitted”, “shall be permitted”, “will be permitted”, “are permitted”, “generally permitted”, or “shall be zoned”. This language then provides the direction for the zoning by-law, which legally implements the policies of the official plan. For instance, if an official plan says a use “may be permitted” in all land use areas, it is then the role of the zoning by-laws to determine in which land use zones that use will be permitted. However, if the official plan language states a use “will be

permitted”, it must then be included as a use within all the land use zones identified in the zoning by-law.

Furthermore, municipalities can provide incentives, such as reduced or waived fees, or technical advice, to support groups starting a temporary farmers’ market. Most municipalities require a business to obtain a business permit and license, and temporary farmers’ markets are currently no exception to that. However, reducing or waiving the fees for temporary farmers’ markets is one way a municipality can show their support for temporary farmers’ markets as a way to increase access to fresh, healthy foods.

Community garden policies provide further direction and support for the policies outlined in official plans and zoning by-laws. They outline the roles and responsibilities of the municipality and community garden groups and detail how gardens will be created in a municipality. They move policy and vision into action.

Temporary Farmers’ Markets

The Case

Temporary farmers’ markets provide the triple bottom line for municipalities - they support local farm viability, and they provide a range of public health benefits to individuals and economic development benefits for municipalities.

The pilot Neighbourhood Markets evaluation (Maan Miedema, 2009) identified the following public health benefits of temporary farmers’ markets:

- increased physical activity (walking) to access food;
- increased consumption of vegetables and fruit;
- increased geographic access to fresh healthy foods; and
- increased social connectivity.

The neighbourhood market study found that market-goers were three times more likely to walk to the market if they lived in the neighbourhood than if they did not. As well, 90 per cent of the regular customers indicated that they ate more vegetables and 53 per cent said that they ate more fruit as a result of the markets, and 100 per cent of the regular customers indicated that their access to healthy foods had been improved (Maan Miedema, 2009).

The temporary farmers’ markets also became social hubs. “The markets became more than places at which people could buy fresh local produce. They became places which built community and promoted social interaction” (Maan Miedema, 2009).

Food-Friendly Policies

The City of Langford, BC includes the following policy in their Official Community Plan, “Create infrastructure for food preparation, outdoor eating, and special event areas that enable people to build community and celebrate food.”

Food-Friendly Municipalities

In Toronto, Foodshare works in partnership with community organizations to run 17 Good Food Markets across the city featuring seasonal produce.

The organization Nourrir Montréal operates 12 neighbourhood markets in Montreal to provide access to local foods in neighbourhoods that are not close to the five larger year round farmers' markets.

As well, “by making local food more visible in public spaces, they educate consumers on the potential for and seasonal limits of local food” (Gillespie et al. 2007 cited in Brown and Miller, 2008), helping to build the rural-urban connection, and local food skills.

Temporary farmers' markets also provide the following economic benefits to a municipality:

- strengthen local food systems;
- help start new food businesses;
- revitalize local retail areas; and
- increase farm viability.

The Greenmarket Farmers' Markets in New York provides one of the best examples of how temporary farmers' markets can strengthen local food systems. The market project “has grown from one corner market to the largest and most diverse outdoor urban farmers' market network in the country, with 54 markets, over 230 family farms and fishermen participating, and over 30,000 acres of farmland protected from development” (<http://www.grownyc.org/greenmarket>). It has also re-built a local grain industry by connecting farmers, local bakeries, and retailers through the market network.

Research on temporary farmers' markets in regions across Canada and the United States provide many examples of new food businesses that began at a market. Tara Kelly, Executive Director of Rutland Area Farm and Food Link, says that “farmers' markets are, at their economic root, a low-cost, low-risk micro business incubation space. A vendor selling their products under a tent today might grow into a retail shop space in one of our downtowns tomorrow. They may even become a job creator that produces product that appears on the shelf of every grocery store. When we support farm, food and artistic business at farmers' markets, we are also investing in the future of our local economies.” (Kelly, 2012)

As well, when patrons shop at local markets, they tend to shop at surrounding retail stores, helping to revitalize neighbourhood retail areas. A study in BC showed that shoppers in 2012 spent \$114M at farmers' markets and an additional \$59M at neighbouring businesses (Connell, David, J. 2012). A similar study could be completed in Waterloo region to determine the economic impact for the local economy, and to demonstrate the economic impact on surrounding retail stores as a result of a temporary farmers' market operating in that neighbourhood. (The Preston Towne Market site could be an example).

Current Situation in Waterloo Region

In 2012, six temporary farmers' markets operated in municipalities throughout Waterloo region (in addition to the three permanent farmers' markets in Kitchener, St. Jacobs, and Cambridge). The temporary farmers' markets operated in the square in uptown Waterloo, at a neighbourhood

association in Waterloo, at the University of Waterloo, at a community centre in Kitchener, in a parking lot in Elmira and in the park in downtown Preston. Both the Preston Towne Market and the Mill Courtland Neighbourhood Market are two different yet successful temporary farmers' market models that resulted from the pilot Neighbourhood Market project lead by the Region of Waterloo Public Health.

Municipal Official Plan Policies

The Cities of Waterloo and Cambridge completed the update of their official plans in 2012, and the City of Kitchener is set to release a second draft of their updated official plan in the second half of 2013. The Townships are at various stages of updating their official plans. A chart summarizing the current policies is found in Appendix 1.

The City of Waterloo Official Plan has included permissive policies which state that all land use designations "may be zoned" for complementary community uses, which includes temporary farmers' markets in the definition. The City of Cambridge Official Plan identifies that "the City supports a strong local food system through its Farmers' Market, temporary farmers' markets, and community gardens" (Cambridge Official Plan, 2012). The Plan permits temporary farmers' markets as a general use in all land use designations.

The current draft of the City of Kitchener Official Plan includes temporary farmers' markets as a non-residential land use permitted in residential land use designations. It is anticipated that this will be expanded in the second draft of the City of Kitchener Official Plan as a use included all land use designations (interview with planning staff).

These designations in the revised official plans are a step in the right direction; however, they do not guarantee that temporary farmers' markets will be permitted in all land use zones in the zoning by-laws for each municipality. This will be determined once the update of the comprehensive zoning by-laws is completed for each municipality. The discussion in the next section will outline some specific recommendations for updating the zoning by-laws to include more supportive policies for temporary farmers' markets.

Zoning By-laws and Regulations

Temporary farmers' markets have varying support within the current zoning by-laws of Waterloo region's area municipalities. Details for each municipal zoning by-law can be found in Appendix 2.

Food-Friendly Municipalities

Toronto Public Health, Foodshare, and the Food Policy Research Initiative are implementing a pilot of mobile sales of fresh produce – The Mobile Good Food Market - whereby fresh fruits and vegetables are sold from trucks in underserved areas of the city where it is presently not permitted, as part of their food strategy. They currently have eight mobile market sites.

Food Friendly Policies

In October 2012, the Planning and Growth Management committee at the City of Toronto proposed and endorsed a new Residential Apartment – Commercial Zone. The purpose of this new zone is to encourage retail and service uses that fulfill the needs of residents and allow for small-scale enterprise. A variety of uses are permitted, including market garden.

In Kitchener, Cambridge, Woolwich, and Wilmot, temporary farmers' markets are permitted in commercial zones that support retail uses. The City of Waterloo's zoning by-laws limit temporary farmers' markets to City-owned lands as an "occasional use". The Township of Wellesley's zoning by-law stands out as an example within the region as it permits temporary farmers' markets in all land use zones.

"Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for: b) A farmers' market held not more than two (2) days per week in any zone."

North Dumfries Township's Zoning By-law remains silent on temporary farmers' markets, however, the by-laws regulate that all retail uses are to be in an enclosed building, which would limit temporary farmers' markets in communities located in the Township.

This report recommends advocacy for zoning by-laws in Waterloo region that would contain the following provisions:

1. Permit temporary farmers' markets in all land use zones

Official plan policies that say temporary farmers' markets "may be permitted" in all land use designations do not guarantee they will be permitted in all land use zones in the updated Comprehensive Zoning By-laws for each municipality. Instead, they give municipal zoning by-laws the discretion to permit or not permit temporary farmers' markets in specific zones. Advocates who want to see temporary farmers' markets in all land use zones will need to encourage municipalities to make the necessary changes in their zoning by-laws.

The City of Cambridge Zoning By-law includes a section (2.1.1) that lists uses that are permitted in all land use zones. This is an example of where temporary farmers' markets could be included. As well, the City of Vancouver includes farmers' markets as a 'Retail' use in all residential, commercial and industrial zones in their revised Zoning by-laws.

2. At minimum, permit temporary farmers' markets in all community centres

If municipalities cannot be convinced to permit temporary farmers' markets in all land use zones, there is a strong case to be made to make special provisions to permit them in community centres, at the very least.

Limiting temporary farmers' markets to commercial land use zones, as some municipalities in Waterloo region currently do, excludes community centres from hosting temporary farmers' markets, unless the centre is located in a commercial zone (and many are not). Community centres are often logical and supportive hosts for temporary farmers' markets in a neighbourhood.

One other option is to create a clause that permits community centres to host temporary farmers' markets. For example, the City of Kitchener included the Region of Waterloo in the Public Service clause (Section 5.8) of the zoning by-laws to permit the Region to operate temporary farmers' markets as part of the pilot Neighbourhood Market project. The scope of this clause could be expanded to include community centres.

3. Create exemptions for temporary farmers' markets as an outdoor use in zones that regulate retail uses to be enclosed within a building

In a number of commercial zones, the zoning regulations require retail uses to be enclosed in a building. In Waterloo all retail uses are required to be enclosed in a building, and in North Dumfries Township all retail uses are required to be 'contained within an enclosed building with no outdoor storage or display of goods or materials'. This limits temporary farmers' markets from being located in these commercial zones, unless their operators apply for and receive a zoning variance. Instead, municipalities should create exemptions for temporary farmers' markets in these zones.

The City of Cambridge zoning by-law provides an example of how temporary farmers' markets could be exempt from the regulations on the outdoor storage and display of goods. In this example, the term "fruit and vegetable stand" could be replaced with "temporary farmers' market":

"Except in the case of an outdoor garden centre, fruit and vegetable stand, motor vehicle or trailer sales establishment or a use allowed pursuant to the City of Cambridge by-law for the licensing, regulating and governing of outdoor vendors, no goods, materials or equipment shall be displayed or stored outside any building or structure in a commercial use class zone unless such outdoor display or storage area is located adjacent to and within 3 m of the front wall of the principal building and is used exclusively as a retail sales area."

Municipal Licensing

Municipalities in Waterloo region require businesses – temporary farmers' markets included – to obtain a business license and pay a fee. Wellesley is the only municipality that does not require any business to obtain a business license. In Wilmot Township, a group or business operating a temporary farmers' market on commercial land that they own would not require a business license. The licensing by-laws also regulate the conditions under which the business may operate. Appendix 3 provides an overview of the licensing by-laws, regulations and fees for each municipality in Waterloo region.

This report recommends advocacy for licensing by-laws and Regulations in Waterloo region that would contain the following provisions.

4. Permit temporary farmers' markets to operate in residential zones, parks and near schools

Temporary farmers' markets are restricted from operating in residential zones and within 100m of schools in the current licensing by-laws for the cities of Cambridge and Waterloo. And in the Township of North Dumfries, the licensing by-law states, "No person shall operate or locate a non-profit or charitable event, or mobile canteen in the Township for the purposes of offering or selling

food to the public at any time within 100m of a school or public park, and in any Township owned park”. However, providing access to healthy, fresh foods through temporary farmers’ markets in residential areas, parks and school zones can help achieve public health goals.

A number of municipalities in the United States are re-examining these bans. They are maintaining the ban on other vendors within close proximity of schools, but providing an exemption for local fruit and vegetable vendors. (Quebec En Forme, 2012)

As well, the city of Langford, BC has included the following direction in their Official Community Plan: “Amend zoning so as to permit farmers’ markets in public facilities (parks and schools).” (Policy 11.2.9)

5. Consistent licensing and zoning by-laws to support temporary farmers’ markets

Zoning and licensing by-laws sometimes contradict each other. For example, the City of Kitchener’s licensing by-law (Chapter 549) includes a section pertaining to a *Farm Vendor License*, which applies to groups purchasing produce from a farm for re-sale at a temporary farmers’ market, and a *Temporary Market License* that applies to groups bringing together individual farm vendors for a temporary farmer’s market. This license seems to provide support for groups interested in running a market in any land use zone. However, the License By-law does not concern itself with zones, so groups would still need to consult the zoning by-laws to determine if a temporary farmers’ market is permitted in the zone they are located in before applying for a business license. They would then discover that they would not be permitted to operate their temporary farmers’ market unless they are located in a commercial zone that permits retail uses. This confusing inconsistency has already stopped at least one local group from operating a temporary farmers’ market on their own land in the City of Kitchener. This barrier needs to be addressed to help support access to healthy, fresh foods.

6. Consistent licensing by-laws among all municipalities in the region

The Township of North Dumfries Vendor By-law prohibits ‘the operation of chip wagons, refreshment carts, and refrigerated bicycle vending vehicles’. Mobile canteens are the only food vendor permitted in North Dumfries Township communities. Although the by-law is commendable for limiting access to less nutritious foods, it also poses restrictions for temporary farmers’ markets. North Dumfries Township will need to include a clause in their licensing by-laws to permit and support temporary farmers’ markets to ensure the supply of healthy, local fresh foods to residents in their communities.

7. Reduced or waived license fees for temporary farmers’ markets

The license fee to operate temporary farmers’ markets in some Waterloo region municipalities is prohibitive for many potential operators. The fees can range from \$78 to thousands of dollars for a season. In the City of Kitchener, for example, it is \$148/season if you are re-selling products

purchased from local farmers, or \$496/three days to a maximum of \$3,893 for the season if you are hosting a market with more than one vendor (which many temporary markets do). Fees in other municipalities in the region can range from \$750 to over \$2,500 for the season. In these cases the vendor fees are prohibitive for temporary farmers' markets that could typically gross less than \$6,000 in a season. The fees will need to be re-examined to permit and support temporary farmers' markets in the region.

Groups can apply for an exemption to the license fees, but there are no guarantees the fees will be waived. Municipalities should consider providing exemptions to business license fees for temporary farmers' markets since these markets are in essence a community service providing fresh, healthy, local foods to the community.

Finally, this report makes one final recommendation for advocates of a more supportive policy environment for temporary farmers' markets in Waterloo region:

8. A guide to help potential temporary farmers' market operators navigate the rules

The process for a group or business to navigate zoning and licensing by-laws and obtain a business license to operate a temporary farmers' market can be costly and confusing. An official guide, toolkit, or information sheet to help groups navigate the process would be a great help to potential operators of a temporary farmers' market.

Community Gardens

The Case

At the global level, the World Health Organization considers community gardens to be a vital component of a healthy city (World Health Organization, 1998). At the local level, recent research has shown that in Waterloo region community gardens create vibrant inclusive food spaces in our communities that help achieve many public health goals (Desjardins, Maan Miedema, Marshall, 2013).

Community gardens help to:

- build community and improve social inclusion;
- mitigate mental and emotional stress;
- increase food skills;
- preserve cultural traditions;
- increase access to and consumption of healthier foods; and
- provide opportunities for physical activity.

The Region of Waterloo Public Health and the Community Garden Council completed an evaluation of community gardens in Waterloo region, and found that one of the key benefits to including community

gardens is that they improve social inclusion in municipal neighbourhoods. “Community gardens lend themselves to the inclusion of people from a variety of cultural backgrounds, ages, income levels, and needs” (Desjardins, Maan Miedema, Marshall, 2013). The same report found that residents involved in community gardens eat more fresh foods. A number of community gardeners identified the health value of food they produced for themselves and their families as the primary benefit of community gardening; they “enthused about how gardening encouraged their children to enjoy vegetables, and others noted improvements to their own diet, including eating more produce, eating more or different parts of the plants, eating a greater variety, or even eating less meat” (Desjardins, Maan Miedema, Marshall, 2013).

Another study conducted with community garden coordinators in the Region of Waterloo reported that community gardens provide them with a sense of personal well-being through stress relief, education, and the creation of friendships (Dow, 2003).

The Public Health Agency of Canada (2008) has stated the two main health benefits that community garden participants experience are physical activity and stress relief. Gardening is considered a moderate to intense form of exercise and uses all three types of recommended activities – endurance, flexibility, and strength activities (Community Garden Council of Waterloo Region website).

Community gardens can provide a sense of independence, skill development, food security, and economic savings. Additionally, they provide access to culturally appropriate fruits and vegetables that may be otherwise unavailable (Wakefield et al, 2007).

As well as the health benefits to individuals, community gardens can be economically more viable for a municipality compared to managing public lawns. A study in Philadelphia estimated that turning ten public lawns (each less than one acre in size) into gardens would save the city \$50,000 per year in mowing costs (Ladner, 2012).

Community gardens are not just about providing a way for low income members in the community to grow some of their food. Community gardens, much like temporary farmers’ markets, are part of the urban fabric that helps to create vibrant food-friendly municipalities. As the region continues to grow and intensify, planning for community gardens as a part of open spaces within every neighbourhood will be required. Municipal land use policies are one way to make sure this happens. “The most important role local governments can play is to ensure public land is available and protected for the creation and sustainability of community gardens. This involves amending land use policies, making community gardens a priority in city planning, mapping green space, and implementing a sustainability plan for community gardens” (Dow, 2003).

Current Situation in Waterloo Region

In 2012, there were approximately 53 garden sites in Waterloo region, providing over 1200 plots, 77 per cent more than in 2005. This growth speaks to the rising interest in community gardening and on-going support provided by the Region and area municipalities in helping groups find land and resources to garden.

The Region has provided support to community gardens by granting access to Regional lands, and by providing rain barrels, composting bins, compost, wood mulch, or other forms of in-kind support. This support is outlined in the ROP (Section 3.F.4). The Region of Waterloo Public Health has provided half time staff support to the Community Garden Council since 1999.

The Region has also identified a Greenlands Strategy within the ROP that will include community garden and rooftop gardens as part of a comprehensive plan for greenspace throughout the region. This type of a plan presents an opportunity for urban agriculture in the region.

Municipal Official Plan Policies

The three cities have varying official plan policies in place to support community gardens. The townships to date do not have any land use policies in their official plans addressing community gardens. This may change when they revise their official plans in the near future.

According to the City of Waterloo's current Official Plan, all land use designations "may be zoned" for community gardens. The City of Cambridge's Official Plan includes community gardens as one of the land uses that are "generally permitted" in all land use designations. The City of Kitchener's draft Official Plan states that community gardens "may be" permitted in all residential areas. The City of Kitchener Official Plan is still being updated, so there is time to advocate for community gardens to be permitted in all land use designations.

A summary of the official plan policies can be found in Appendix 4. However, as with temporary farmers' markets, the permissive policies in official plans do not guarantee that community gardens will be permitted in all land use zones in the comprehensive zoning by-laws once they are updated. The discussion in the next section will outline some specific recommendations for updating the zoning by-laws to include more supportive policies for community gardens.

Zoning By-laws and Regulations

Currently, no area municipality in Waterloo region has explicit language regarding community gardens in their zoning by-laws. The City of Waterloo permits horticulture uses – which could include community gardens – in "Green Two" and "Green Three" zones. The City of Kitchener Zoning By-law permits agricultural uses in the Commercial Business Park Zone (B-4) and Open Space Zones, but it is unclear if this includes community gardens. In the City of Cambridge, "Holding Zones" and vacant lands in Industrial Zones can be used for market gardening, landscape gardening and agriculture, but again it is unclear if this includes community gardening.

Appendix 5 provides all the details on the relevant by-laws in the cities of Kitchener, Waterloo, and Cambridge. Community gardens need to be explicitly included in municipal zoning by-laws and permitted in all land use zones to help support and encourage community gardens throughout the Region.

The following recommendations outline a number of ways that municipal zoning by-laws can support community gardens.

1. Permit community gardens in all land use zones in revised Zoning By-laws

Official plan policies that say community gardens “may be permitted” in land use designations do not guarantee they will be permitted in all land use zones in the updated Comprehensive Zoning By-laws for each municipality. Instead, they give municipal zoning by-laws the discretion to permit or not permit community gardens in specific zones. Aside from hazard lands, or sites that may have soil or other contaminant concerns, there should be no reason to prohibit community gardens in specific zones.

Some municipal by-laws have sections that list uses that are permitted in all areas. One local example is Section 2.1.1 of the City of Cambridge’s Zoning By-law. Community gardens should be included in this section and in comparable sections in Waterloo region’s other six municipalities.

Similar wording has been used in a number of other municipal zoning by-laws and strategies to support community gardens, and are provided as an example to consider here.

- The City of Ottawa Community Garden Action Plan “ensures that the City’s Comprehensive Zoning By-law includes community gardens as a permitted use in all land use zones.”
- Section 2.5 of the City of Owen Sound’s Community Garden Policy says: “No community garden shall be placed on lands zoned ‘Hazard’ (ZH) in the City’s Zoning By-law; otherwise, zoning shall not limit the placement of a community garden.”
- Section 2.1.9 of the City of Mississauga’s Zoning By-law - Uses Permitted in More than One Zone - says “Community Gardens are permitted in R1 to R16, RM1 to RM9 and RA1 to RA5, O, C1 to C5, CC1 to CC4, CCOS, E1 to E3, OS1 to OS3, U, I, D and B zones.”
- The City of Winnipeg Zoning By-law includes community gardens as a park-related use permitted in all agricultural and residential zones, as well as a number of commercial, employment and institutional zones.
- The City of Langford (BC) Official Community Plan provides the direction to “make community gardens a permitted use in all commercial and residential zones and in public places (parks, right of ways, utility corridors, etc.).”

2. Permit and support community gardens in higher density residential areas

Many municipal zoning by-laws typically require new developments to provide a percentage of “landscaped open space” per dwelling unit. Landscaped open space is defined in the City of Waterloo Zoning By-law as “that portion of a lot which is used for the growth and maintenance of grass, flowers, trees, and shrubs and other landscaping including a surfaced walk, patio, pool or similar outdoor recreational amenity.” In order to explicitly encourage community gardens in new developments, community gardens could be included in this list of permitted uses. As development intensifies throughout the region, this designation can help provide more space for growing food, as well as making higher density neighbourhoods more attractive places to live.

The City of Edmonton has a good example of a zoning by-law which law includes cultivated gardens in its regulation for landscaping in residential zones:

“Alternate forms of Landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or **cultivated gardens**, may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or **cultivated gardens**”.

3. Provide incentives or requirements to include community gardens in new developments

Existing neighbourhoods often do not have space for community gardens. However, as new infill developments and developments adjacent to existing neighbourhoods are built, space can be provided for community gardens through zoning by-laws and regulations, and density bonusing.

For instance, the Community Garden Network in Ottawa recommends, “The City of Ottawa collaborate with developers to ensure that adequate green space for community gardening is allocated in all residential development applications”, and “Provide economic incentives to private organizations and landowners who provide land for community gardens”.

The requirement to include community gardens should be considered for larger-size developments, as a minimum. In Marin County, California, for example, the Comprehensive Plan Update includes a commitment to:

“amending the Development Code to require space for on-site community gardens in new residential developments of 10 units or greater”.

Density bonusing is an incentive system that municipalities often use to persuade developers to enhance the liveability of a property in exchange for permission to build more units on a site. For example, a developer seeking to add more storeys to a multi-storey building might be required to be set back a certain distance from the road, or to provide a certain amount of green space on the property.

This type of incentive could be used to promote community gardens. The City of Langford, BC’s Official Community Plan, for example, includes a clause committing the municipality to:

“Amend bylaws to allow density bonusing for inclusion of community gardens in new residential developments (Policy 11.1.1), and “Allow density bonusing in exchange for green roofs on multi-family, commercial and/or institutional buildings that can facilitate food growing or gardening.” (Policy 11.1.10)

Community Garden Policies

Beyond official plan policies and zoning by-laws, it is also important for municipalities to have specific community garden policies. These can provide further direction and support for community gardens by outlining the specific supports provided for community garden sites and requirements of the community garden groups. The Cities of Kitchener and Cambridge each have a community garden policy.

The City of Waterloo does not have a community garden policy, but its Environment Parks Services department has helped to support community gardens in neighbourhoods by including gardens within the Partners in Parks program. This program would allow a community garden group, on a first come first served basis, to enter into an agreement with the city to create and run a community garden in their neighbourhood park. The garden sites and parks are subject to approval by the city to ensure the park and sites are appropriate and that all other by-laws (e.g. park and noise) are met. This program presents a unique opportunity to create gardens in every neighbourhood, but it could be improved by providing more information about the program to the public and via the City's website to raise the profile of community gardens in Waterloo.

The City of Kitchener includes a number of progressive elements in its community garden policy, including encouraging developers to make suitable land available in new developments, and starting a land trust for gardens.

The City of Cambridge has a new community garden policy, which supports gardens on city owned land zoned as open space (which should include all neighbourhood and city parks). Gardens may be initiated on private property with a landowner agreement. All Cambridge garden sites may need to meet a number of criteria such as meeting accessibility standards, suitable parking facilities, etc. (see Appendix 6 for more details).

Food-Friendly Municipalities

Centretown Citizens Ottawa Corporation has over one hundred rooftop planter boxes on twelve properties and landscaped green roofs with trees, perennials, benches and play structures on eight others.

Toronto Community Housing is developing a community garden strategy.

1. Community garden policies in Waterloo region could be strengthened by:

a) setting targets for increasing garden sites or creating a garden in every neighbourhood

A number of communities are including goals and targets such as identifying locations in every neighbourhood for community gardens. For instance the City of Toronto aims to have one garden in every ward. One of the goals of the Saanich, BC community garden policy is to 'support the establishment of one community garden for each neighbourhood'. Madison, Wisconsin's Comprehensive Plan Update includes "striving to create one community garden site for every 2,000 households" (American Planning Association, 2008). Creating a target like Madison's would mean doubling community garden sites in Waterloo region from 50 to 100 over the next few years.

b) creating an inventory or system of identifying city-owned lands available for garden sites

A number of communities have identified ways in which lands can be identified and made available for community gardens. For example:

- The City of Owen Sound has identified a number of potential garden sites as part of their new community garden policy.

- The City of Ottawa Community Garden Action Plan establishes a process to identify City-owned land appropriate for community gardens, such as:
 - i. Include community gardens in the evaluation of priority use of City surplus land
 - ii. Community gardens would be subject to the same priority review process that other properties undergo
- The Community Garden Network in Ottawa recommends: “Public lands that are being considered by the City of Ottawa for sale or transfer to other bodies should be first assessed for their suitability for neighbourhood use as community gardening space”.
- Saanich, BC’s community garden policy creates a goal for supporting community gardens as parks are being acquired or redeveloped, and it provides support to community gardens by “assisting interested groups in searching for suitable land for the development of community gardens from an inventory of municipal land, land owned by other government agencies, and privately-owned land.”
- The City of Langford, BC includes the following in their Official Community Plan, “Identify suitable locations for community gardens (e.g. one per neighbourhood) especially in higher density neighbourhoods where residents don’t have access to private yards” (Policy 11.1.4).

c) proposing a strategy for creating allotment gardens

Allotment gardens provide much larger spaces than community garden plots. They allow families to grow a substantial portion of their food, as well as for groups to grow food for local food banks and soup kitchens. The City of Kitchener operates one allotment garden that provides 196 plots to the community. A number of other communities across Canada manage more than one allotment garden, including:

- The City of Ottawa, operating three allotment gardens with 355 plots;
- Saanich, BC, operating two allotment gardens providing over 200 plots;
- The City of Toronto, managing 12 allotment gardens and 50 community gardens in city parks;
- The City of Winnipeg managing nine allotment gardens and 15 community gardens on city owned land; and
- The City of Montreal, running 97 community gardens providing 8,195 plots (2002 stats).

d) providing for land tenure

Community gardens are often faced with the challenge of not having a secure piece of land on which to garden. Typically, a land owner offers use of idle land to a community garden group but later sells it, forcing the gardeners to re-locate. This has happened in Waterloo region. Municipalities that provide land tenure for garden sites will help to include community gardening as a long term community-building and engagement activity. The City of Kitchener includes a clause in their community garden policy to “set up a land trust and encourage landowners to dedicate lands as permanent community garden sites.” Other examples of providing land tenure or site protection include:

- The City of Montreal, which provides zoning for new community gardens as parkland in order to protect them.
- The City of Kingston, which includes the following in their community garden policy: “The protection and retention of existing sites is an essential part of this policy. The City endeavours to partner with non-profit organizations and/or groups to support the promotion, retention, and enhancement of existing community garden sites as a valuable use of municipally owned lands.”

e) providing access to water and soil testing

Access to water is one of the main limiting factors for community garden sites. The Region of Waterloo will supply gardens with rain barrels, which helps, but a permanent water source is required to support community gardens and help them to flourish. Here are two examples of community garden policies regarding water:

- City of Kingston: “The City will provide rain barrels to community gardens where there is no access to municipal water.”
- City of London: “Provide a water supply in Community Gardens where there is no access to municipal water.”

As well, soil testing by the municipality helps to ensure gardens are not situated on contaminated sites. The City of Cambridge community garden policy requires that “property must have suitable soil conditions” for locating a community garden, but it is not clear if the city will test the soil for the garden groups to determine if there are suitable soil conditions. Other municipalities do this to support community gardens. For example:

- The City of Kingston community garden policy states: “The City will cover the cost of mandatory soil testing for new gardens or expansion of existing gardens” (Section 6.6).
- Toronto Public Health, in collaboration with Parks, Recreation and Forestry at the City of Toronto, has created a soil assessment guide for new community garden sites.

f) identifying the municipality’s role in encouraging private businesses and landowners to provide space for community gardens

Municipal lands are not the only lands available for community garden sites. Churches have a long history of supporting community gardens in the region, but other opportunities exist, and municipalities can play a role in supporting and building relationships to encourage community gardens on other lands throughout the region. For instance:

- The City of Guelph community garden policy, states, “The City recognizes sites on School Board and private property such as churches may be more appropriate than available public lands within some neighbourhoods. The City is willing to provide in kind City supports where applicable, appropriate and allowable by both the City and the property owner to encourage community gardening as a healthy and valuable program for all communities”.

- The community garden policy for Saanich, BC supports community gardens by “assisting in securing land for community gardens through the use of zoning, lease agreements, and partnerships with private and public sector organizations.”

g) providing an official endorsement of community gardens

The Cities of Cambridge and Kitchener’s Official Plans and community garden policies include a statement endorsing community gardens. These statements could be officially recognized and endorsed by municipal Councils, and included on websites with links to the community garden policies and details on how to start a community garden, to help promote, support, and raise the profile of community gardens in the region. Similar statements and profiles could be created in the other municipalities in Waterloo region.

The City of Ottawa Community Garden Action Plan directs “that the City of Ottawa Council endorse, as a policy statement, that community gardening is a valuable community activity that can contribute to community development, civic participation, neighbourhood revitalization, environmental awareness, and a healthier lifestyle.”

h) providing community garden support staff

A number of municipalities provide staff support for community gardens. Although the Region of Waterloo provides part-time staff support for community gardens, as does the City of Kitchener, community garden groups have identified the need for staff support from other municipalities in the region. Staff support can be provided in a number of ways. For example, the City of Ottawa has a community garden liaison staff position which provides one point of contact with the Community Garden Network and community garden groups, the City of Guelph has a Community Engagement Coordinator who supports community garden groups with site selections and applications, the City of Toronto has a staff position to run the Community Gardens Program, and the City of Montreal hires seasonal community garden animators to provide support to community gardeners.

2. Inclusion of community gardens in park and leisure services master plans

The City of Toronto has recently updated their Parks Plan and included community gardens in the planning for parks and open spaces in the city. Similar opportunities exist in Waterloo region – the City of Waterloo could include community gardens in their Park Masterplan, the City of Cambridge in its Park and Leisure Services Plan, and the City of Kitchener in its Parks Strategic Plan, as a means to support and encourage community gardens in the region.

3. Creating a community garden action plan

The City of Ottawa and the Community Garden Network partnered on a community garden action plan that was created in 2004, and they evaluated and revised it in 2009. The plan provides for measurable targets, as well as outlines the city’s role in supporting gardens and the community garden network’s role. The plan is a tool for measuring the progress and success of increasing

community gardens in the region. Municipalities in Waterloo region could work with the Community Garden Council here to create a region-wide community garden strategy that:

- Recognizes the value of community gardens and the work that has been completed to date to advance community gardens
- Endorses and promotes community gardens in the region
- Sets targets for increasing community garden plots in the region (eg 2015 by 2015)
- Identifies and provides an inventory of municipal and regional lands available for community gardens
- Promotes private partnerships to provide land for community gardens
- Supports school food gardens and community gardens on school property
- Provides support and space for gardening workshops throughout the region (eg peer gardening program with peer gardeners)

Summary

Community gardens and temporary farmers' markets are part of the urban fabric that helps to create vibrant food-friendly municipalities. As the region continues to grow and intensify, planning for temporary farmers' markets and community gardens will be required to help achieve public health goals. This report and the recommendations within it can help municipalities within Waterloo region better support and encourage temporary farmers' markets and community gardens.

Some municipalities in Waterloo region are still in the process of updating their official plan policies over the next year, and all municipalities will be completing a comprehensive update of their zoning by-laws over the next two to five years, so this presents an opportunity for groups and individuals in the region to advocate for stronger municipal policies in support of temporary farmers' markets and community gardens and ensure that we are all planning for food-friendly municipalities in Waterloo region.

Appendix 1: Current Municipal Official Plan Policies Supporting Temporary Farmers' Markets

City of Waterloo	City of Kitchener	City of Cambridge
<p>10.1.4 (2), 10.1.5 (2), 10.1.6 (2), 10.2.2.2 (4), 10.2.3 (4), 10.2.4 (4), 10.2.5 (4), 10.2.6 (4), 10.2.7 (4), 10.2.8 (4), 10.2.9 (4), 10.3.2.1 (4) (b), 10.3.2.2 (f), 10.3.2.3 (4)(b), 10.4 (4)(g) may be zoned to permit the following complementary uses...</p> <p><i>Community uses</i> (includes temporary farmers' markets in definition)</p> <p>10.2.2.1 (3) (k) Lands designated Uptown Commercial Core shall be zoned to permit <i>Community uses</i> (includes temporary farmers' markets in definition)</p>	<p>3.2 1.The City will support the integration of non-residential land uses, which are <i>compatible</i> and serve the needs of residents, at appropriate locations in the <u>residential land use designations*</u> to support the development of a <i>complete</i> and <i>walkable community</i>. Such uses may include:</p> <p>n) temporary farmers' markets (Draft 1 of revised OP)</p>	<p>2.6.3 3. The <i>City</i> will recognize and encourage the use of the Community Core Areas as: h) locations where residents can access local food through farmers' markets.</p> <p>7.10 The <i>City</i> supports a strong local food system through its Farmers' Market, <i>temporary farmers' markets</i>, and <i>community gardens</i>.</p> <p>8.1.2 Certain land uses are permitted within all land use designations in the city, subject to the provision of adequate infrastructure, including potable water and wastewater treatment where needed... The uses generally permitted in all land use designations are: f) <i>temporary farmers' markets</i> subject to meeting other requirements such as found in the City's Zoning by-law</p>

Appendix 2: Current Municipal Zoning By-Laws Supporting Temporary Farmers' Markets

Municipality	Zoning By-Law
City of Waterloo Zoning By-law 1418 (August 2012)	Permitted Zones: Limited to City-owned lands as an “occasional use”
City of Kitchener	<p>Permitted in commercial, business, and industrial zones that include ‘retail’ or ‘convenience retail’ in permitted uses list, including:</p> <p>Section 7 - C-1 (Convenience Commercial Zone)</p> <p>Section 8 – C-2 (Neighbourhood Shopping Centre Zone)</p> <p>Section 9 – C-3 (Community Shopping Centre Zone)</p> <p>Section 10 – C-4 (Community Commercial Core Zone)</p> <p>Section 11 - C-5 (Regional Shopping Centre Zone)</p> <p>Section 12 – C-6 (Arterial Commercial Zone)</p> <p>Section 14 - D-1 (Retail Core)</p> <p>Section 14A – D-2 (East Market Zone)</p> <p>Section 16 – D-4 (Office District Zone)</p> <p>Section 16A – D-5 (Commercial Residential Zone)</p> <p>Section 17 – D-6 (Warehouse District Zone)</p> <p>Section 18 – D-7 (MacKenzie King Square Zone)</p> <p>Section 25 – B-3 (Business Park Service Centre Zone)</p> <p>Section 26 – B-4 (Commercial Business Park Zone)</p> <p>Section 32, I-2 (Community Institutional Zone)</p> <p>Section 33, I-3 (Major Institutional) CR-1, CR-2, CR-3, CR-4, CR-5</p> <p>Section 44, CR-1 (Commercial Residential One Zone)</p> <p>Section 45, CR-2 (Commercial Residential Two Zone)</p> <p>Section 46, CR-3 (Commercial Residential Three Zone)</p> <p>Section 47, CR-4 (Commercial Residential Four Zone)</p> <p>Section 47A, CR-5 (Commercial Residential Five Zone)</p> <p>Note: In Zones CR1-CR3 retail needs to be in an enclosed building; unless a minor variance is applied for</p>
City of Cambridge	<p>Permitted in Commercial Zones : C1, C2, C4, C6, CS1, CS2, CCS3, CS4, CS5</p> <p>3.3 Commercial Use Class Zones</p> <p>3.3.1 Regulations Applicable in All Commercial Use Class Zones</p> <p>1. Outside Display</p> <p>Except in the case of an outdoor garden centre, fruit and vegetable stand, motor vehicle or trailer sales establishment or a use allowed pursuant to the</p>

	<p>City of Cambridge by-law for the licensing, regulating and governing of outdoor vendors, no goods, materials or equipment shall be displayed or stored outside any building or structure in a commercial use class zone unless such outdoor display or storage area is located adjacent to and within 3 m of the front wall of the principal building and is used exclusively as a retail sales area.</p> <p>3.3.1.8 8. Special Regulations for Carts Notwithstanding Section 2.1.2.2 of this by-law, carts are permitted pursuant to Section 3.3.3.1(b) (iii) of this by-law. (“cart” means a vehicle, other than a motor vehicle, in which food and/or beverages are sold to the public and is capable of being moved from place to place) 3.3.3.1 (b) (iii) Food service establishments, including carts are permitted in C1, C2, C4, CS1-CS5</p> <p>3.4 Industrial Class Zones 3.4.5. Use of Vacant Industrial Lands for Non-Industrial Purposes Notwithstanding the provisions of section 3.4.3.1 of this by-law, vacant lands in any industrial use class zone may be used for one or more of the following purposes provided that no building or structure is erected, located or used in conjunction therewith: (a) farming where no intensive animal operation, fur farming or fish farming is involved; (b) market gardening; (c) landscape gardening;</p> <p>3.6 Agricultural Use Class Zones 3.6.1 Regulations Applicable in A-Class Zones 3.6.1.1 Permitted Uses (b) facilities for the sorting, grading, packaging, wholesale distribution and sale of farm products grown or raised on the property, including a roadside stand, but does not include the sale at wholesale or retail of products which are not grown or raised on the property;</p>
Woolwich Township	Permitted in C1 (Commercial Core) and C3 (Settlement Commercial)
Wellesley Township	<p>Zoning By-law 28-2006 4.44 Special Uses Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for: b) A farmers’ market held not more than two (2) days per week in any zone</p> <p>Note: building permit required if market is larger than 108 sq ft</p>
Wilmot Township	Permitted in all commercial zones
North Dumfries Township	<p>Section 12: Zone 6 12.3.1 Permitted uses shall be conducted entirely within an enclosed building except that b) provision may be made for a “Drive In” bank, laundry or cleaner provided that access to and exit from the lot is so arranged so as not to interfere with the safe movement of automotive or pedestrian traffic on the lot and on the abutting streets.</p>

	<p>Section 13: Zone 7</p> <p>13.3.8 Enclosed Buildings</p> <p>The operation of every commercial use permitted in a Zone 6 – Z.6 and Zone 7 - Z.7 except designated parking lots shall be conducted entirely within an enclosed building or structure without any "curb service" or similar activity and there shall be no outdoor storage or display of goods or materials.</p>
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Appendix 3: Municipal Licensing By-laws and Fees Pertaining to Temporary Farmers' Markets

Municipality	Licensing
City of Waterloo	<p>Outdoor Vending License</p> <ul style="list-style-type: none"> - includes the sale of foods - Not permitted to operate in residential zones - Not permitted to operate within 100m of a school property <p>Business License fees (outdoor food vendors)</p> <ul style="list-style-type: none"> - \$288/site annually plus \$577 land rent for areas outside the uptown BIA; \$288/site annually, \$1702 land rent fee plus \$225 BIA fee in BIA areas - \$171/one day license
City of Kitchener	<p>Chapter 549 Farm Vendor License</p> <ul style="list-style-type: none"> - This would apply to groups or an individual purchasing fruits and vegetables from a farmer(s) and offering them for sale - There is a license fee of \$148 per season <p>Temporary Retail Market License</p> <ul style="list-style-type: none"> - For groups organizing a number of vendors (farmers or local craft or food vendors) to come and sell their products and with all profits going back to the vendors - There is a fee of \$496 for each consecutive three-day period to a maximum of \$3,893 <p>Note: No license is required for a farmer, market gardener or other person selling local, in-season produce of his/her own farm or garden at his/her own property</p>
City of Cambridge	<p>By-law 106-09 Outdoor Vendor Permit</p> <ul style="list-style-type: none"> - Food stands and food carts permitted in commercial zones (C and CS class zones), except BIA areas as designated by council - Not permitted to operate within 100m of a school property <p>There is a license fee of \$78.50 per location annually; charitable organizations are not required to pay a fee (as long as all profits are used for charitable purposes)</p>
Woolwich Township	<p>By-law 116-2004 Business Licensing By-law</p> <p>In this by-law Business means,</p> <ul style="list-style-type: none"> (a) trades and occupations; (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise; (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. <p>Includes Food Vehicles, Refreshment Vehicle/Chip Wagons, Mobile food as</p>

	<p>classes of businesses; and Outdoor Vendors</p> <p>Outdoor Vendors need to conform to health and fire regulations Food Vehicles need to conform to health regulations</p> <p>License Fees Outdoor Food Vendors</p> <ul style="list-style-type: none"> - \$265 per season; one day \$25 - Charitable Licence - \$265; maximum of 4 days - \$25 <p>Food Vehicles</p> <ul style="list-style-type: none"> - Refreshment Vehicle/Chip Wagon - \$1,100 annually; \$50 one day - Refrigerated Bicycle Cart - \$265 - Charitable Licence - \$265; Maximum of 4 days - \$10
Wellesley Township	Businesses do not currently require a license
Wilmot Township	<p>License not required for food stands/markets in commercial zones where the market is operated by the land owner; otherwise specific location daily sales license is required.</p> <ul style="list-style-type: none"> - Specific location daily sales license fees - \$250/five days; \$750 annual maximum
Township of North Dumfries	<p>Vendor By-law (1758-98)</p> <p>1.5 "refreshment cart" means a non-motorized vehicle from which food products are sold from one location on a daily, weekly or annual basis, and where the food or products are prepared or cooked on the vehicle, and includes, but are not limited to hot dog / sausage / hamburger carts or stands</p> <p>1.6 "chip wagon" means a vehicle or trailer, supported by a conventional wheel, tire, and axle system and from which food or refreshments are prepared and sold to the public.</p> <p>1.7 "refrigerated bicycle vending vehicle" means a manually propelled itinerant tricycle vehicle from which ice- cream, ice-cream cones, ice milk and other confectionery food items are offered for sale or sold to the public</p> <p>1.8 "mobile canteen" means a motorized vehicle from which prepackaged refreshments or non-cooked foods are sold, and that moves from one location to another upon the completion of each sale, typically making sales on construction sites, industrial sites, or on the site of a private auction at the written invitation of the auctioneer</p> <p>1.11 "mobile food vendor" means a chip wagon, refreshment cart, refrigerated bicycle vending vehicle, or a mobile canteen</p> <p>2.0 Prohibited Uses</p> <p>2.1 This amending By-law prohibits the operation of chip wagons, refreshment carts, and refrigerated bicycle vending vehicles within the Township of North Dumfries</p> <p>2.2 Notwithstanding Section 2.1 above, Council may consider an application for a Mobile Food Vendor permit by a charitable organization or non-profit organization for special events</p> <p>3.0 LICENCE REQUIREMENTS</p> <p>3.1 No Township operator's licence is required for the operation of a mobile</p>

	<p>canteen in the Township of North Dumfries</p> <p>3.4 No fee is required for the operation of a mobile canteen</p> <p>4.0 GENERAL PROVISIONS</p> <p>4.1 No person shall operate or locate a non-profit or charitable event, or mobile canteen in the Township for the purposes of offering or selling food to the public at any time:</p> <p>4.1.1 within 100m of a school or public park</p> <p>4.1.2 in any Township owned park</p> <p>4.1.3 within any zoning area identified and regulated by the Township of North Dumfries</p>
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Appendix 4: Municipal Official Plan Policies Supporting Community Gardens

City of Waterloo	City of Kitchener	City of Cambridge
<p>The City will plan for neighbourhoods that provide safe and healthy living environments, and promote healthy lifestyles by supporting access to locally-grown food and by planning for community gardens, where appropriate. (3.9.2 (2) (f))</p> <p>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. (8.7.4 (1))</p> <p>The City will support <i>community gardens</i> through initiatives which may include:</p> <ul style="list-style-type: none"> - promoting the awareness of <i>community gardening</i>; - where appropriate, offering City-owned lands as new <i>community garden</i> sites, such as undeveloped parcels and closed <i>road</i> right of ways (8.7.4 (3)) <p>10.1 – 10.4 May be zoned to permit the following uses... Community gardens</p>	<p>The City will support the creation of community gardens and other compatible forms of urban agriculture, where appropriate, and in accordance with the other policies in this Plan. (pg 38)</p> <p>Community gardens and other compatible forms of urban agriculture may be permitted in all residential areas (3.1.3)</p>	<p>Certain land uses are permitted within all land use designations in the city, subject to the provision of adequate infrastructure, including potable water and wastewater treatment where needed... The uses generally permitted in all land use designations are:</p> <p style="padding-left: 40px;">e) agricultural uses including community gardens but excluding livestock operations; (8.1.2)</p> <p>The <i>City</i> supports a strong local food system through its Farmers' Market, <i>temporary farmers' markets</i>, and <i>community gardens</i>. The <i>City</i> recognizes that <i>community gardens</i> contribute to the overall parks and open space system and access to locally grown food.(7.10)</p>

Appendix 5: Current Municipal Zoning By-laws Supporting or Providing Opportunities for Community Gardens

Municipality	Zoning By-law
City of Waterloo	<p>10B.1 No person shall erect, alter, enlarge or use any building or structure in whole or in part or use any land in whole or in part within the Green Two “G2” zone for any purpose other than one or more of the following uses:</p> <p>10B.1.1 The following recreational uses:</p> <ul style="list-style-type: none"> - Horticulture <p>10C.1 No person shall erect, alter, enlarge or use any building or structure in whole or in part or use any land in whole or in part within the Green Three “G3” Zone for any purpose other than one or more of the following uses:</p> <p>10C.1.1 The following recreational uses:</p> <ul style="list-style-type: none"> - Horticulture <p>Section 15B General Residence 5 (GR5)</p> <p>15B.4 The following regulations shall apply to all APARTMENT DWELLINGS:</p> <p>15B.4.2.1 There shall be a minimum of fifty-five (55) square metres of landscaped area or improved public area, or a combination thereof, for each dwelling unit.</p> <p>(2.43.1 “landscaped open space” means that portion of a lot which is used for the growth and maintenance of grass, flowers, trees and shrubs and other landscaping including a surfaced walk, patio, pool or similar outdoor recreational amenity)</p> <p>Section 18 Medium Density (MD)</p> <p>18.5.2 Landscaped Open Space Requirements – Townhouse Dwelling Units</p> <p>18.5.2.1 One hundred and eighty-five square metres (185sq.m) of landscaped open space shall be provided for each town house unit where the property has direct access to a park or school.</p> <p>18.5.2.2 Two hundred and twenty-five square metres (225sq.m) of landscaped open space shall be provided for each town house unit where the property does not have direct access to a park or school.</p> <p>18.6.2 Landscaped Open Space Requirements – Apartment Dwellings</p> <p>18.6.2.1 Eighty-five square metres (85sq.m) of landscaped open space shall be provided for each apartment where the property has direct access to a park.</p> <p>18.6.2.2 Ninety square metres (90sq.m) of landscaped open space shall be provided for each apartment unit where the property does not have direct access to a park.</p> <p>Section 19 Medium Density 3 (MD3)</p> <p>19A.4 Landscaped Open Space Requirement</p> <p>19A.4.1 In no case shall the landscaped open space area be less than fifty</p>

	<p>percent (50%) of the total lot area.</p> <p>19A.5 Common Recreational Area</p> <p>19A.5.1 A common recreational area which is included in the Landscaped Open Space Requirement shall be provided which is not less than ten percent (10%) of the total lot area.</p> <p>Section 26A Commercial Two (C2) Zone</p> <p>26A.2.5 Regulations for Dwelling Units in a Mixed-Use Building</p> <p>26A.2.5.1 Each Dwelling Unit shall be provided with 25 square metres of amenity area. For the purposes of this section, amenity area shall mean areas used for recreational purposes and include Landscaped Open Space, balconies, indoor area, but does not include lobbies, washrooms, laundries, storage areas, reception areas or rooftop gardens or decks.</p> <p>Section 27D Mixed Used Residential (MXR)</p> <p>27D.2.5 Regulations for Residential Uses</p> <p>27D.2.5.1 Each dwelling unit shall be provided with eleven square metres (11 sq.m.) of amenity area. For the purposes of this section, amenity area shall mean areas used for recreational purposes and includes landscaped open space, balconies, indoor recreational areas but does not include lobbies, washrooms, laundries, storage areas, reception areas or roof-top decks.</p> <p>Section 27E Mixed Use Commercial (MXC)</p> <p>27E.2.5 Regulations for Residential Uses</p> <p>27E.2.5.1 Each dwelling unit shall be provided with eleven square metres (11 sq.m.) of amenity area. For the purposes of this section, amenity area shall mean areas used for recreational purposes and includes landscaped open space, balconies, indoor recreational areas but does not include lobbies, washrooms, laundries, storage areas, reception areas or roof-top decks.</p> <p>Section 27F Mixed Use Commercial Centre (C10)</p> <p>27F.3.6 Landscaped Open Space</p> <p>27F.3.6.1 A minimum Landscaped Open Space area of 20% of the Lot area shall be provided, and shall include, but not be limited to, landscape buffer, landscaped parking islands, landscaped walkways, courtyard, plaza area, outdoor amenity areas, green roof or roof garden. Green roof and roof gardens shall not exceed more than 5% of the total Landscaped Open Space area.</p> <p>(Note: food stores are not permitted in these zones as ground floor uses)</p> <p>Section 36B Flexible Residential (FR)</p> <p>36B.2.10 Landscaped Open Space Requirement</p> <p>For townhouse dwellings no less than fifty percent (50%) of the total lot area shall be landscaped open space</p>
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	<p>Section 37 Neighbourhood Residential (NR) 37.5.1 The following regulations shall apply to all duplex dwellings: p) Landscaped Area (minimum) 30% of lot area</p>
City of Kitchener	<p>Section 26 Commercial Business Park Zone (B-4) 26.1 Permitted Uses Agriculture</p> <p>Section 28 Open Space Zone (P-2) 28.1 Permitted Uses Agriculture (excluding Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof; the Processing, Milling or Packaging of Animal Feed)</p> <p>Section 29 Hazard Lane Zone (P-3) 29.1 Permitted Uses</p> <p>Agriculture (excluding Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof; the Processing, Milling or Packaging of Animal Feed)</p>
City of Cambridge	<p>2.1.4 (H) Prefix Zones (Holding Zones) Notwithstanding any other provision of this by-law, where a zoning symbol shown on the zoning maps attached to and forming part of this by-law has the prefix (H), no land thereby affected shall be used and no building or structure shall be erected, located or used thereon except for the following purposes until the prefix “(H)” has been removed from the zone symbol by a by-law passed pursuant to sections 34 and 35(4) of the Planning Act, 1983:</p> <ol style="list-style-type: none"> 1. farming where no intensive animal operation, fur farming or fish farming is involved; 2. market gardening; 3. landscape gardening; 4. a use permitted in all zones in accordance with section 2.1.1** <p>3.4 Industrial Class Zones 3.4.5. Use of Vacant Industrial Lands for Non-Industrial Purposes Notwithstanding the provisions of section 3.4.3.1 of this by-law, vacant lands in any industrial use class zone may be used for one or more of the following purposes provided that no building or structure is erected, located or used in conjunction therewith:</p> <ol style="list-style-type: none"> (a) farming where no intensive animal operation, fur farming or fish farming is involved; (b) market gardening; (c) landscape gardening;

Appendix 6: Community Garden Policies

Municipality	Community Garden Policy
City of Waterloo	<p><i>Partners in Parks</i></p> <p>“Planting and maintaining a community vegetable garden on passive parkland within your neighbourhood in Waterloo is one option through the <i>Partners in Parks Program</i>. Two Community Garden Representatives with City Staff assistance, may plan, install and maintain a community vegetable garden within their neighbourhood park for a five-year renewable term, as agreed upon by the City of Waterloo. A minimum of five to ten gardeners must be committed to participate and make the garden a success.” Gardens must adhere to the following Municipal By-laws and Standards including, but not limited to the following: Parks By-law #03-059; Water Restrictions By-law #90-62 (to section on lawns and garden watering, using the municipal water system), Encroachment Policy (2006)</p>
City of Kitchener	<p>Community Garden Policy (2009)</p> <p>The City of Kitchener recognizes community gardens as a community development activity.</p> <p>The City of Kitchener will facilitate and support community gardens in the following ways:</p> <ul style="list-style-type: none"> ○ Assist community groups in finding suitable sites for the development of community gardens. Suitable sites may include under-utilized public and private lands, as well as parklands, community centres, schoolyards, boulevards, and cul-de-sac bulbs (food growing not permitted on boulevards) ○ Encourage developers to make available suitable land for community gardens as part of the overall design of subdivisions, senior citizens complexes and homes ○ Set up a land trust and encourage landowners to dedicate lands as permanent community garden sites ○ Establish a small fund for start-up costs, normally not to exceed \$2,000 per garden, and provide water sources, when available, that can be easily accessed by gardeners <p>It is evident that a number of departments have a role to play in facilitating the community gardens initiative there is a demonstrated need for a community gardens facilitator on staff. This individual will be the contact between the community and the various departments involved in the community gardens initiative, will assist with community garden start-ups and will administer the user agreement. Initially, it is recommended that this individual be hired on contract during the growing season.</p>
City of Cambridge	<p>Community Garden Policy (2011)</p> <p>The City of Cambridge Community Services Department (CSD) recognizes that community gardens can contribute to the health and well-being of the population by providing opportunities for individuals and groups to participate in agricultural and horticultural activities and to harvest fruits,</p>

	<p>vegetables, and grains that promote healthy eating and nutrition. The City of Cambridge Community Services Department will encourage and support the development of community gardens in suitable locations throughout the city.</p> <p>Criteria for land suitable for CSD supported community gardens:</p> <ol style="list-style-type: none"> 1. Property must be City-owned or Leased on a long-term basis by the City and designated as open space. (Community Gardens may be located on non-city lands but must be pursued through a relationship with the property owner.) 2. Wherever possible, property should be accessible to pedestrians and persons requiring the use of mobility devices (wheelchairs, scooters, etc.) 3. Community Garden must not present a conflict to existing uses of the property. 4. Community Garden sites must not require the removal of any significant vegetation, landmarks or amenities. 5. Community gardens sites should be in a location that is visible for surveillance purposes. 6. Property must have suitable parking facilities and/or acceptable levels of on-street parking in proximity. 7. Property must not require vehicles to be driven across open space lands to access the Community Garden. 8. Property must have suitable soil conditions. <p>CSD will, in accordance with available resources:</p> <ol style="list-style-type: none"> 1. Evaluate potential community garden sites and delineate garden areas in selected sites. 2. Supply top soil, fill and organic mulch where surplus material and transportation is available (i.e. when there is no additional cost incurred by the City to provide such materials). 3. Subject to approved budgets, provide new community gardens with a one-time grant of \$1,000 to support the acquisition of tools, equipment, storage facilities and/or services. 4. Monitor the Garden Sites periodically for inappropriate activity.
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