OPPORTUNITIES FOR GROWTH:
An Urban Agriculture Toolkit
This resource is the third topic-specific tool published as part of a project, funded by the Ontario Trillium Foundation, designed to advance changes in local food systems by working with regional and municipal food groups to accelerate the implementation of initiatives and policies necessary for reform. The Ontario Trillium Foundation is an agency of the Government of Ontario.

Sustain Ontario is a province-wide cross-sectoral alliance that is working to create a food system that is healthy, ecological, equitable and financially viable. Sustain Ontario engages with its membership to take a collaborative approach to research, policy development, and action by addressing intersecting issues related to healthy food and local sustainable agriculture.

Thank you to the following individuals for contributing their expertise and insight to this guide, as well as the many others championing transformative urban agriculture projects and initiatives.

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If you are interested in one of the topics below, look for them in the toolkit. The symbols will help you navigate your areas of interest as you read. The symbols will appear in the header of each section indicating the topics included in the text that follows.
The Urban and Residential Agriculture Toolkit was designed for municipal governments, urban growers, planners, and organizations to help advocate for policies that support urban agriculture. Many people are looking for opportunities to grow food in urban and residential environments to increase access to healthy, local, and fresh food.\(^1\)

Approximately 15% of the world’s food consists of food grown in urban areas.\(^2\) With urban agriculture proliferating, there is a need to address the policy gaps that create barriers for many urban growers. In densely populated areas, space for urban agriculture is limited and therefore requires zoning changes to allow urban agricultural activities to take place. In less populated areas, some challenges arise around growing produce for commercial use. Rules and regulations from the *Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA)* and examples of zoning by-laws were assessed to determine how to remove the barriers faced by urban growers.

This toolkit examines examples of successful policy changes made across Ontario to make urban agriculture more accessible. The toolkit also highlights steps that can be taken in municipalities to create communities that can actively take part in urban agricultural initiatives.
KEY TERMS

Urban Agriculture

Urban agriculture refers to the growing, processing and distribution of food and food-related products in and around municipalities, for commercial or non-commercial uses. It can take place in backyards, community gardens, on balconies, rooftops or city lots. The term commonly refers to fruit and vegetable production, but also includes animal husbandry, such as urban hens and beekeeping. This method provides an estimated 15% to 30% of the world’s food.5

Residential Agriculture

Residential agriculture is an emerging term that refers to food production that takes place in small hamlets, villages and towns which are not considered large enough to be urban or sparse enough in density to be considered rural. Proponents of residential agriculture may face different land use, language, and policy barriers than urban farmers.

Community Gardens

Community gardens provide municipal land or private land to residents who do not have backyard space on which to grow edible or ornamental plants. Gardens on municipal lands are primarily used to grow produce for personal consumption or donation. Community gardens promote self reliance among users, improve physical and mental well being, and encourage social interaction.6 7 8

Zoning by-laws

Zoning by-laws are specific to each municipality and dictate how land may be used.
- Residential zones are plots of land containing housing. Various categories of residential zones may have different permitted uses and provisions such as density or type of dwelling.
- Commercial zones are areas which are available to be used only by commercial businesses, such as stores, offices, restaurants etc.
There are many key stakeholders involved in urban agriculture initiatives from the provincial government to local growers. To make effective policy changes, it is important to engage with a variety of stakeholders to determine how to remove barriers to urban agriculture within municipalities and regions across Ontario. The following is a list of stakeholders you may want to consider:

- Provincial Government
- Municipal Government
- Public Health Agency
- Councillors
- Planners
- (Environmental) Organizations - Not-for-profits and Non-governmental
- Local food policy council
- Training organization
- Growers
- Local Residents

Urban soil can be very contaminated and before growing occurs it is strongly advised that the soil be tested. This will help ensure that there are no contaminants in the soil that could impact the food produced on the land. This can be a challenge because soil testing is costly; through the lab at the University of Guelph, testing is approximately $100 per site. Although costly, soil testing is necessary otherwise contaminants hold potential risks for consumers.

Bowery Project

Bowery Project is a Toronto based organization that creates temporary urban gardens using repurposed milk crates in vacant spaces throughout the city. Most city soils are contaminated and milk crates allow for soil control and for the sites to be set up and taken down easily (within 24 hours!). Bowery Project grows vegetables for local restaurants and supports local community organizations, transforming void space to productive space and creating a more resilient city.
Urban agriculture creates productive spaces that contribute to the social empowerment and economic gains of growers and producers, as well as to the improvement of local ecological conditions.

**Social Rationale**

Urban agriculture contributes positively to the physical and mental health of users. In a study of community gardens in South-East Toronto, gardeners were able to create their own access to fresh, culturally specific foods of their choice. They reported that gardening helped keep them physically and mentally active, and offered them a place to relax within the densely populated neighbourhoods. The gardens also strengthened users’ attachments to their community, and increased cultural capital through interactions and sharing across various cultures and social differences.\(^{10}\)

**Economic Rationale**

With rising costs of food, urban agriculture provides a cost-effective way for growers to create their own supply of fresh produce. In Canada, food inflation is exceeding the general inflation rate.\(^ {11}\) Urban agriculture helps develop local economies by forming short food supply chains and generating value-added products.\(^ {12}\)

Gardeners who sell their food can subsidize their income or make profits from their produce, develop job skills, create jobs and small businesses as well as boost economic development in the area. An American study showed that a $1 investment in food growing urban agriculture projects has been found to yield $6 of produce.\(^ {13}\)
Urban agriculture reduces the carbon footprint of our food miles by providing access to local instead of imported food. Over the last decade, over 80% of Canada’s fruits and 45% of vegetables were imported. Thirteen million tonnes of food imported to Canada generates about 3.3 million tonnes of CO2, with fruits and vegetables contributing 25% of emissions.\(^\text{14}\) Growing locally cuts down on emissions produced by transport vehicles, while strengthening the urban food system. However, transportation is only one stage in the life of a food item; production methods should also be taken into account when calculating carbon footprints. For example, heated greenhouses can require more fossil fuel energy in crop production than imported goods grown in warmer climates.\(^\text{15}\)

Urban agriculture increases a city’s greenspace, provides green infrastructure to filter pollutants, captures rainwater, builds rich soil, and creates habitats for insects and birds.\(^\text{17}\) It can also contribute to decreasing direct solar radiation by providing shade, and can lower temperatures through evaporative cooling. This primarily impacts larger cities where the urban heat island effect, combined with climate change raises temperatures above the norm.\(^\text{18}\)
Overview

Urban and residential growers are able to grow on public property for non-commercial use. Public property includes land that is owned by a public agency such as a municipality. Examples of public land that can be used to grow food include parks, and school yards. In some cases, surplus land or property owned by the government is not being used and therefore could be available for growing food. The best way to gain access to use public lands for growing food is to see how the local municipality makes these spaces available.

Public lands are often made available for growers through community garden programs and require some form of formal agreement with the municipality or county that governs the land. For example, many cities across Ontario have community garden programs that residents can apply to join and obtain a parcel of land for growing food.

Things to Consider

Food Grown on Public Property Cannot be Sold

Across Ontario, food that is grown on public property cannot be sold, and must be consumed by the grower or donated to a not-for-profit organization or food bank. An exception to this rule is school property, which is public land, however the food grown can be sold at farmers' markets or to local businesses. For example, the garden at Bendale Technical Institute and Eastdale Collegiate Institute that are part of the Toronto District School Board.

Identifying Potential Sites

In many urban areas, a major challenge is the lack of availability and growing demand for land. To start a community garden, it may be necessary to approach the public agency with a potential site. The site will have to be assessed and this includes having the soil tested for any harmful contaminants.
Access to Space

Connecting growers to available space is often a challenge; this includes trying to get access to underutilized public land. There is often a time-consuming community garden application and approval process required by municipalities. Another challenge for many existing community gardens, is the potential for long waiting lists to join the community garden and gain access to a parcel of land. To get access to a plot of land at one of the community gardens in Newmarket and Aurora, there is a waitlist of about two years.²⁹

Limited Resources

In order to create and run a successful community garden tools and funding are necessary. The start-up and maintenance costs for a community garden can be difficult to fund. In most instances, growers are not allowed to sell food grown from a community garden, so the money to fund these gardens needs to come from other sources (e.g. an organization or a public agency).³⁰

General Liability Insurance

Often, general liability insurance in the amount of $2 million is required to be taken out for community gardens. The public agency that owns the land cannot be held accountable for any incidence of injury that takes place in the community garden. In Ontario, the community garden group can obtain the insurance through most municipalities, however some public agencies can require the garden organizers to obtain their own liability insurance.

Thunder Bay Edible Bus Stop

In 2015, Thunder Bay unveiled its first edible bus stop outside of EcoSuperior (a local environmental organization). The group put a wooden planter box next to the bus shelter and encouraged local transit users to help themselves to a snack while they waited for the bus. The aim of the garden box is to promote public transit and make it more enjoyable while illustrating how easy it is to grow vegetables just about anywhere. The garden helps build community and create a healthy, sustainable, enjoyable city.³²
Examples from Municipalities

Mississauga

In 2006, Ecosource in partnership with the City of Mississauga and Evergreen created the first community garden in the city. Since then community gardens have been set up in four city parks.³³

Kingston

The City of Kingston created the Community Gardens Development and Operations Policy in June 2016 for the purpose of highlighting guidelines for community gardens on municipal lands. The produce grown on these community gardens is meant for non-profit use. It is the city’s responsibility to review requests for new community gardens to be established on municipal lands. According to this policy, the responsibility of getting liability insurance coverage³⁴ falls to the community group managing the garden.³⁵

Orillia

In the City of Orillia, the municipality’s insurance does not apply to community gardens that are on public lands. The responsibility of obtaining liability insurance is on the group managing the community garden. This is the case because city staff are not overseeing the gardens.³⁶

Toronto

It is illegal to sell produce that is grown on municipal land according to the City of Toronto Municipal Code Chapter 608-46, Parks.³⁷ The municipal code states that in city parks no commercial enterprise should take place unless authorized by a permit, and this includes community gardens in public parks.³⁸

Chatham-Kent

The municipality of Chatham-Kent requires liability insurance coverage of at least $2 million and the community garden may request insurance coverage under Chatham-Kent Public Health Unit’s policy.
By-Laws to Support Urban Growing

Although most municipalities across Ontario do not allow growing food in community gardens to be used for commercial purposes, the City of Ottawa recently changed its by-law to allow food grown in community gardens to be sold. Allowing food grown on public lands to be sold can offer new opportunities for growers. In order to see how a community garden on public land would operate for commercial use, the municipality could start off by introducing a pilot project to work out the logistics and then work toward amending by-laws.

Access to Underutilized Public Lands

There is a growing demand for community garden plots. To meet the growing demands and reduce wait times, more public lands should be made available. A municipality could create a land inventory of possible sites or increase resources allocated to community garden programs.
Growing on private property is becoming a popular way for urban and residential growers to increase local food procurement. This approach uses otherwise empty space to create viable food sources in backyards, lawns, porches and rooftops. Private property includes lands that are owned by individuals or businesses and are not dedicated to public use, owned by government or a collective. Urban agriculture activities on private property can go beyond growing produce and include raising hens or beekeeping. Municipal guidelines must be followed, specifically if the practices involve animals, buying or selling products or if a structure (like a greenhouse) is built. Many private property owners across Ontario are working within their local municipality to explore various forms of agriculture on their own property.

**Backyard Hens**

There is a lack of consistency across the province regarding policies permitting urban hens. Many stakeholders (e.g. Humane Society, Public Health departments) can be involved in the process of legalizing backyard hens, which leads to a time consuming process. Keeping hens can also be a zoning issue, as they may only be permitted in an agricultural zone. Contacting municipalities and advocates who have gone through the process of legalizing backyard hens can provide a framework for changing policy in other municipalities.

**Zoning By-Laws**

Appropriate zoning by-laws for urban agriculture have not been developed in many North American cities. This leads to ambiguity surrounding zoning for urban agriculture practices and results in growers navigating land use policies and fitting their practices within existing frameworks. Zoning also presents a challenge in rural areas where lot sizes can be larger and have the space to grow but are zoned residentially, limiting the options for agricultural practices.
Ontario Bees Act

Hives must be 30 metres away from a property line that separates land with hives from land "occupied as a dwelling or used for a community center, public park, or other place of public assembly or recreation." This would prevent beehives in many urban areas as properties are not large enough to allow for 30 metres on either side of the hive. Hives, even those without bees, must be kept a minimum of 10 metres from a highway. Beekeeping may also be an considered an agricultural practice, as bees can be considered livestock, and is therefore may only be permitted on land zoned as rural.

Examples from Municipalities

City of Kingston Urban Hen By-law

By-law Number 2004-144: 2011-65

4.17 (a) No person shall keep hens anywhere within the City unless he or she has first obtained a hen coop permit;

(c) Hen coops and hen runs shall be a distance of at least 1.2 m from the rear lot line and at least 1.2 m from any side lot line of the dwelling lot on which the hen coop is located.

(h) A maximum of 6 hens will be permitted on any residential property.

(i) The keeping of hens shall only be permitted in residential zones. Tenants must obtain permission from the property owner to keep hens on the owner’s property.

(j) The owner of the hens must reside on the property where the hens are kept.45

The city of Kingston has also compiled a document in addition to its Animals By-law, where the urban hen provisions are found, specifically to communicate the rules surrounding keeping backyard hens. Policy language can often be difficult as it is very formal, therefore this document is written in language that is easier to understand than the by-laws making it more accessible to residents.46
 Opportunities for Growth

Implement an Agricultural Program

This would help growers in a given municipality address barriers, access funding and have a better understanding of how urban agriculture is approached in their specific municipality.

The Toronto Agricultural Program was approved by city council in November 2013. This program includes exploration of funding for the City’s Urban Agriculture Program, defines the roles of urban agriculture centres and works to address barriers faced by growers looking for available land. It also includes a review of zoning barriers as they relate to urban agriculture. This program led to the 2015 release of A Guide to Growing and Selling Fresh Fruits and Vegetables in Toronto. This document provides key next steps for the city.

Introduce an Urban Hens Pilot Project

The expensive, time consuming process experienced by hen advocates could be remedied by introducing trial periods or pilot projects. Introducing urban hens would be treated as a minor by-law change. A hen pilot project would include hens being permitted for a certain length of time with a defined plan. An evaluation of the trial would be completed after the given project timeframe and the project would be assessed for outcomes. Next steps would be identified after this evaluation.
Private property growers that are interested in selling their produce have to follow the provincial and municipal standards and regulations. A basic requirement for selling any produce is to ensure that prior to growing, the soil is tested to ensure produce grown is not contaminated by the soil. In some cases, it is not required to possess a license in order to sell food. OMAFRA states that in order to sell at a farmers’ market, packaged foods require labels containing information about the packer and country or province from where the produce was grown. Produce does not need a label in cases where people purchase produce from a bulk display, however this needs to be accompanied with signage stating where the produce was grown. If produce is being sold without being packaged/labelled, then it must not be processed in any way. OMAFRA has regulations detailing how produce, honey, and maple syrup products can be sold, and lists rules and guidelines for private property growers interested in selling their produce and processed products.

Selling Requirements

The provincial guidelines for selling produce are geared towards medium and large-scale commercial growers, and often many of the regulations do not apply to private property growers who are interested in small-scale selling. For example, a license to sell is not needed according to Toronto Food Policy Council’s guide regarding selling produce in the city. Regulations are case specific but all private property growers selling products must add the additional income to personal income tax.
There are two main provincial regulations that apply to private property growers who want to sell their produce: Ontario's Food Safety and Quality Act, 2001, and Ontario Regulation 119/11 (Produce, Honey and Maple Products) (O. Reg. 119/11).

Ontario's Food Safety and Quality Act, 2001:
1. The purposes of this Act are to provide for,
   (a) the quality and safety of food, agricultural or aquatic commodities and agricultural inputs;
   (b) the management of food safety risks; and
   (c) the control and regulation of regulatable activities.

Together these policies “regulate the quality, labelling, packaging and food safety issues for fresh fruits and vegetables in the province of Ontario. They apply to anyone who packs, transports, advertises, sells or offers produce for sale.”

Municipalities across Ontario have specific zoning by-laws regarding where farmers’ markets and farm stands can take place.

Opportunities for Growth

Increase opportunities for farmers markets

Municipalities across the province are expanding their zoning to allow for more farmers’ markets and temporary farmers’ markets. Some of these temporary markets may be set up in neighbourhoods to create walkable access to healthy, fresh food. The Region of Waterloo outlines the benefits of these farmers’ markets as helping to meet public health goals and contributing to the local economy. Increased opportunities to sell locally produced food will help strengthen communities, benefit local residents and create resilient food systems.

Dedicated municipal employee for urban agriculture

Hiring a contact person would allow for a centralized information system within a local government. This person or office would help residents navigate local policies and precedents and provide consistent information to residents across the municipality. Additional roles could include identifying areas of need for policy development and keeping up to date with current agricultural trends. This position would be a “go-to” person for all questions regarding urban agriculture practices.
The City of Hamilton has embraced urban farms and community gardens through by-law amendments, and is paving the way for other municipalities to follow in its footsteps. The new rules, which came about in 2014 and 2015, opened up more opportunities for urban farms and community gardens to take place by allowing most residential, institutional and commercial zoning areas to be used for urban agricultural purposes. Many barriers that were present as a result of zoning restrictions have been removed as a result of amendments to the Zoning By-law No. 05-200. The changes have led to clearer policy language around the permitted locations and regulations of various urban agricultural activities. The amendments to Hamilton’s Zoning By-Law demonstrate to other municipalities the steps that can be taken towards increasing the presence of urban and residential agriculture in their regions.

Urban Farmers Markets BY-LAW NO. 15-107

Passed in April 2015, this by-law amended existing zoning by-laws concerning urban farmers markets in Hamilton. This by-law clearly defines local agricultural products, urban farmers market, and value-added local agricultural products.

- **Local agricultural products** – “shall be defined as fruits, vegetables, grains, seeds, flowers, herbs, dairy, fish, meat and poultry, maple, or honey bee products that have been grown or produced as part of Ontario farm operations.”
- **Urban farmers market** – “shall mean a temporary public market operated by a community organization, or a non-profit corporation, at which the majority of persons who operate the stalls sell local agricultural products, value added local agricultural products, or VQA wines provided the products are produced by persons who operate the stalls.”
- **Value-added local agricultural products** – “shall mean raw local agricultural products that have been grown or produced as part of farm operations in the City of Hamilton or Ontario farms which have been transformed into another product.”

Permitted locations of urban farmers markets within the City of Hamilton are also highlighted in the by-law amendment. More areas were zoned to permit urban farmers markets to operate.
Community Gardens and Urban Farms
BY-LAW NO. 14-273

This by-law was passed in September 2014 and amended how community gardens and urban farms are allowed to operate in the City of Hamilton. The by-law states new rules and definitions for community garden, farm produce/product stand, and urban farm.

- **Community garden** – “shall mean land used for the growing and harvesting of plants, grains, vegetables or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.”

- **Farm produce/product stand** – “shall mean a building or structure used for the sale of fresh fruit, vegetables, grains, and edible plants which are grown on an urban farm on a seasonal basis. Products derived from the urban farm produce may also be sold.”

- **Urban Farms** – “shall mean land that is used for the growing and harvesting of edible plants, grains, vegetables or fruits and that the edible plants, grains, fruits and vegetables grown on-site may be sold on-site. It may include structures such as farm produce/product stand, greenhouses, hoop houses or cold frames. It shall not include a medical marihuana growing and harvesting facility, an aquaponics, or aquaculture facility, or a mushroom operation. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.”

The by-law identifies new rules for allowing community gardens and urban farms to operate in parts of the city that once had zoning that restricted agricultural uses. With this by-law, Hamilton has allowed for most areas zoned as commercial and residential to have community gardens or urban farms.

**Impact on Urban Agriculture**

The new by-laws in Hamilton have been commended for opening up opportunities for the growth of urban agriculture within the city. The by-laws clarify what is allowed in regard to community gardens, urban farms, and urban farmers markets. Hamilton is one of the few cities in Canada to make significant zoning changes that allow more areas to be used for urban agricultural activities. Although there are some restrictions in place (eg. livestock is not permitted in urban areas), these by-laws stand as an example for other municipalities to broaden zoning laws to increase the areas in which community gardens, urban farms, and urban farmers markets are permitted.
Ottawa is faced with a complex set of factors that impact their policy implementation. In 2000 the City of Ottawa amalgamated with the surrounding municipalities. This included 12 different local governments, some from rural areas. Ottawa must create policies that apply to and serve not only their urban residents but the rural ones as well. The City of Ottawa, along with contributing organizations has made efforts to improve the accessibility and breadth of urban agriculture within the city.

Comprehensive Zoning By-Law 2008-250

In April 2016, Ottawa’s planning council approved an omnibus zoning amendment to the Comprehensive Zoning By-Law 2008-250 that allowed for expanded uses of community gardens. The amendment allowed for food grown in community gardens to be sold, donated or shared and allowed for farmers’ market stands on any lot where a community garden is permitted. The changes were carried at the April 27th 2016 City Council Meeting and are outlined below.

“The proposed amendments would broaden the meaning of the term ‘community garden’ to include a garden in a yard in a Residential Zone, a garden in any zone where a community garden is a permitted use, a market garden, and the community gardens in the Community Gardening Network.”

“The proposed amendments would allow food produced in a community garden to be sold, donated or shared.”

“Fruits, vegetables, flowers and herbs may only be sold from a location where a farmers’ market is a permitted use. For example, retail sales would not be permitted from a lot in a Residential zone.”

“The amendments would also permit a property owner to lease a portion of their property to a gardener, and enter into agreements concerning a share of the produce or revenues.”

To reflect the changes made to these policies, the City of Ottawa amended farmers’ market regulations to allow for more markets in a wider variety of zones.
Ottawa Official Plan

Ottawa also made changes to their Official Plan in 2014 to better incorporate agricultural practices into the vision for the city as a whole. The amendment reads:

1.3 - The Ottawa 20/20 Process and the Guiding Principles
“Quality of life is supported by building [...] Community-based food production into urban areas, through edible landscapes, community gardens and small and mid-scale urban farms;”

2.1 - The Challenge Ahead
“The City will recognize the role of small and medium-scale food production in a sustainable food system and community-based food production will be integrated into urban and rural areas, through edible landscapes, community gardens, and small and mid-scale urban and rural farms, where possible and in keeping with City policy.”

Impact on Urban Agriculture

These policy amendments allow for a wider population to be impacted by urban agriculture. Policies that allow for more food production options and more comprehensive zoning will benefit the city of Ottawa. The amendment was seen by politicians as a way to support public good while increasing residents’ access to local food. The changes will do just that. With increased opportunities to provide the community of Ottawa with locally grown, healthy food options, Ottawa is increasing their food systems sustainability and is on the way to creating a resilient food infrastructure.
The following checklist aims to guide the process of effective policy development and municipal by-law revision with the goal of creating municipalities that promote, consider and include urban agriculture in their communities. For more resources and information on urban agriculture, visit our greenhouse.

**Determine the Goal**
Identify gaps related to urban agriculture and outline necessary changes. Set goals for what the final policy will look like. Determine the policy amendments that are necessary to achieve the goal.

**Conduct Background Research**
Through research, identify what the goal aims to accomplish. Start by looking at the local municipality’s Official Plan and identify a framework that is applicable to the goal. For example, identifying what type of land, public or private, the project involves.

**Learn from the Success of Others**
Look at by-law amendments in support of urban agriculture that have passed in other municipalities as examples.

**Consultation and Support Gathering**
Connect with people who have an interest in urban agriculture such as urban farmers, organizations, and planners. Identify and consult with key stakeholders based on the research gathered.

**Petition**
Gather support by starting a petition and collect signatures in support of the changes that are being advocated for to show that there is community support for urban agriculture initiatives.

**Plant the Seed for Change**
Ask a councillor or councillors to support the initiative and create a political strategy to achieve the goal.
REFERENCES


56. http://www.foodandfarming.ca/hamilton-pushes-for-urban-farming/


