

Comprehensive Plans, Zoning Regulations, Open Space Policies and Goals Concerning Community Gardens and Open Green Space from the Cities of Seattle, Berkeley, Boston, and Chicago

*Information compiled by ACGA Member Lenny Librizzi for the GreenThumb Grow Together Workshop
“Lessons From Community Gardening Programs In Other Cities “ given March 20, 1999.*

There are notable examples of from other cities that could be modeled by New York City in developing community garden policies and long term protections. The examples that are included are a resolution and goals from the comprehensive plan for Seattle, a draft of the General Plan for Berkeley, zoning regulations from Boston and an open space policy from Chicago that creates an organization that can acquire and preserve open space.

• SEATTLE: 20 YEAR COMPREHENSIVE PLAN

Seattle is a city that has a 20 year comprehensive plan that includes community gardens and sets up specific goals for a community garden for each 2500 households. The following is a resolution passed by the city council and a chart from the comprehensive plan that outlines the open space goals.

It is important to note that the Seattle P- patch program is a municipal run program in the Department of Neighborhoods. There is also a Friends of P-Patch group that lobbies the City Council extensively and was instrumental in getting the resolution passed and community gardens included in their comprehensive plan.

RESOLUTION -28610

A RESOLUTION declaring the City of Seattle's support for the maintenance and long-term expansion of the P-Patch Community Gardening Program.

WHEREAS, the P-Patch Community Gardens have a long history in Seattle, started over 20 years ago, the gardens have grown to 27 citywide sites tended by more than 2,500 gardeners: and

WHEREAS, P-Patch gardens create alternative food sources and contribute as much as 21,000 pounds of free fresh produce to city food banks; and

WHEREAS, P-Patch community gardening contributes to the preservation, access to, and use of open space; and

WHEREAS, the Seattle P-Patch Program has been recognized nationally as a model for urban gardening; and

WHEREAS , the popularity of the gardens continues to grow, especially with increases in housing density within the city; and NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

I. The City of Seattle will promote inter-agency and intergovernmental cooperation among agencies such as the Parks Department, the Engineering Department, the Housing Authority, the School District, Metro, the Port Authority, the Water Department, City Light, and the Department of Transportation to expand opportunities for community gardening; II. The City of Seattle recommends that P-Patch gardens be a part of the Comprehensive Plan and that any appropriate ordinances be strengthened to encourage, preserve and protect community gardening particularly in medium and high density residential areas;

III. The City of Seattle will include the P-Patch Program in the evaluation of priority use of city surplus property;

IV. The City of Seattle recognizes the economic, environmental and social value of the gardens and will attempt to provide budgetary support for the management of the P-Patch program; and

V. The City of Seattle encourages that expansion of the P-Patch program and outreach should give special emphasis to low income families and individuals, youth, the elderly, physically challenged, and other special populations.

ADOPTED by the City Council of the City of Seattle the 14th day of September, 1992.

The specific goals for open space are outlined in the chart on the following page.

SEATTLE URBAN VILLAGE OPEN SPACE AND RECREATION FACILITY GOALS

URBAN CENTER VILLAGES HUB URBAN VILLAGES RESIDENTIAL URBAN VILLAGES URBAN VILLAGE OPEN SPACE POPULATION BASED GOALS One acre of Village Open Space per 1000 households. For the downtown core one acre of Village Open Space per 10,000 jobs. One acre of Village Open Space per 1000 households. Same as for Hub Urban Villages

URBAN VILLAGE OPEN SPACE DISTRIBUTION GOALS

All locations in the village within approximately 1/8 mile of Village Open Space. Same as for Urban Center Villages For moderate and high density areas: all locations within 1/8 mile of a Village Open Space that is between 1/4 and 1 acre in size, or within 1/4 mile of a Village Open Space that is greater than 1 acre.

QUALIFYING CRITERIA FOR VILLAGE OPEN SPACE Dedicated open spaces of at least 10,000 square feet in size, publicly accessible, and usable for recreation and social activities Same as for Urban Center Villages Same as for Urban Center and Hub Villages

VILLAGE COMMONS GOALS At least one usable open space of at least one acre in size (Village Commons) with growth target of more than 2500 households. At least one usable open space of at least one acre in size (Village Commons) At least one usable open space of at least one acre in size (Village Commons) where overall residential density is 10 households per gross acre or more.

RECREATION FACILITY GOALS One indoor, multiple use recreation facility serving each Urban Center.

One facility for indoor assembly One facility for indoor public assembly in Villages with greater than 2000 households.

COMMUNITY GARDEN GOALS One dedicated community garden for each 2500 households in the Village with at least one dedicated garden site. Same as for Urban Center Villages Same as for Urban Center and Hub Villages

• BERKELEY: GENERAL PLAN

The City of Berkeley , California is working on a general plan. The Draft General Plan includes a policy and specific actions to encourage and support community gardening efforts. The following is the text from the draft plan:

DRAFT OF BERKELEY GENERAL PLAN January 9,1998

Policy 2-05- Recognize and encourage community gardens as a high priority use of open space resources, particularly in higher density residential areas.

Community gardening is a way for people who lack yards to grow flowers and vegetables but more than that it is also a way for people to work together, socialize and talk with their neighbors. Users plan, construct and manage the space, thus building community relations at the same time as they save the City money and can help lower their own cost of living.

Actions- A. Secure more land and create long term stability for community gardens through purchase of land and long- term leases or other agreements.

B. Increase support for community gardens through partnerships with other government agencies, neighborhood groups, businesses, civic and gardening organizations.

C. Integrate community gardens into existing open spaces near areas of higher density residences that do not currently have community garden space, while balancing other open space needs.

D. Provide administrative resources and agreements that enable community gardening groups to manage the gardens to the extent practical.

E. Include community gardens as part of the open space planning for the remaining sections of the Santa Fe Right of Way.

• BOSTON: ZONING

Having a specific zoning category for community gardens is another method for ensuring long term protection of community gardens. The city of Boston has special zoning districts that include community gardens in the types of open space. The wording from the Boston Zoning Code that relates to community gardens follows:

BOSTON ZONING CODE

SPECIAL ZONING DISTRICTS

Article 33

Open Space Subdistricts (March 8,1988)

Section 33-1- Preamble. This article supplements the creation of an open space district (OS) designation, which under text amendment No. 101 can be given to public lands or, with the written consent of the owner to private property. The open space district and nine open space subdistricts, taken together, present a comprehensive means for protecting and conserving open spaces through land use regulations. The open space (OS) designation and an open space subdistrict designation can be used in conjunction with each other, thus establishing for the land so designated the particular restrictions of one of the subdistricts: community garden, parkland, recreation, shoreland, urban wild, waterfront access area, cemetery, urban plaza, or air right. Land can be given the OS designation, however, without the simultaneous designation of a particular subdistrict, such as "park" or "garden" where the desired subdistrict designation is yet to be determined. This system instills flexibility into the regulation of open spaces.

Section 33-2- Statement of Purpose. The purpose of this article is to encourage the preservation of open space for community gardens, parkland, recreation, shoreland, urban wild, waterfront access area, cemetery, and urban plaza purposes to enhance the quality of life of the city's residents by permanently protecting its open space resources: to distinguish different open space areas in order to provide for uses appropriate to each open space site on the basis of topography, water, flood plain, scenic value, forest cover, urban edge, or unusual geologic features; to prevent the loss of open space to commercial development; to restore Boston's conservation heritage of Olmstead parks; to coordinate state, regional and local open space plans; to provide and encourage buffer zones between incompatible land uses and mitigate the effects of noise and air pollution; to promote and maintain the visual identity of separate and distinct districts; to enhance the appearance of neighborhoods through preservation of natural green spaces; and to ensure the provision of adequate natural light and air quality by protecting the supply of vegetation and open space throughout Boston.

Section 33-8- Community Garden Open Space Subdistricts. Community garden open space (OS-G) subdistricts shall consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; such land may include Vacant Public Land.

• CHICAGO: NEIGHBORSPACE POLICY

The most far reaching method of open space protection is from the city of Chicago. The City Council passed an intergovernmental agreement that created an entity called NeighborSpace that is funded by municipal funds and can raise private funds to purchase properties. The city also transfers properties to NeighborSpace for \$1.00 for permanent protection as open space. The ordinance creating NeighborSpace, the intergovernmental agreement and the funding authorization follows:

AUTHORIZATION FOR EXECUTION OF INTERGOVERNMENTAL AGREEMENT WITH CHICAGO PARK DISTRICT AND FOREST PRESERVE DISTRICT OF COOK COUNTY FOR ESTABLISHMENT OF "NEIGHBORSPACE"

The Committee on Finance submitted the following report:

CHICAGO, March 26, 1996.

To the President and Members of the City Council:

Your Committee on Finance, having had under consideration a communication recommending a proposed ordinance concerning the authority for the City of Chicago to participate in the establishment of NeighborSpace, a not-for-profit corporation, having had the same under advisement, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,

(Signed) EDWARD M. BURKE, Chairman.

On motion of Alderman Burke, the said proposed ordinance transmitted with the foregoing committee report was Passed by yeas and nays as follows:

Yeas -- Aldermen Granato, Haithcock, Preckwinkle, Steele, Dixon, Shaw, Buchanan, Huels, Frias, Olivo, Burke, Jones, Coleman, Murphy, Troutman, Evans, Munoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Burrell, Wojcik, Suarez, Gabinski, Mell, Austin, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Bernardini, Levar, Shiller, Schulter, M. Smith, Moore -- 42.

Nays -- None.

Alderman Allen moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

WHEREAS, The City of Chicago ("City") is a home rule unit by virtue of the provisions of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, There is a lack of sufficient open space in the City for recreational and aesthetic uses; and

WHEREAS, There is a need and desire to develop typically small, open spaces as pocket parks, gardens and natural areas for public use for the benefit of the citizens of the City; and

WHEREAS, It is in the interest of the City for the development and maintenance of such open spaces to be undertaken by private parties who reside in the neighborhoods in which such spaces are located; and

WHEREAS, Neighborhood community groups are often unable to develop and

maintain such spaces for public use because of concerns over liability and/or lack of adequate funds; and

WHEREAS, The Department of Planning and Development ("Department") has recommended the formation of a not-for-profit corporation to be known as "NeighborSpace" to own, lease, manage, or hold easements to typically small, open spaces in the City for development and maintenance by neighborhood community and business groups since such open space projects can be more efficiently managed by local groups than by governmental agencies; and

WHEREAS, NeighborSpace would be formed as a collaboration among the City, the Chicago Park District ("Park District") and the Forest Preserve District of Cook County ("Forest Preserve District"); and

WHEREAS, The Mayor of the City, the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners would each appoint a representative to serve as an incorporator of NeighborSpace; and

WHEREAS, The Mayor would appoint one Department Head and one City Council member to serve on the NeighborSpace Board of Directors; and

WHEREAS, The President of the Park District Board of Commissioners would appoint one Board member and the General Superintendent would appoint one Department Head to serve on the NeighborSpace Board of Directors; and

WHEREAS, The President of the Forest Preserve District Board of Commissioners would appoint one Commissioner who represents part of the City of Chicago and the General Superintendent would appoint one Department Head to serve on the NeighborSpace Board of Directors; and

WHEREAS, The Mayor, the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners would jointly appoint one (1) member to the NeighborSpace Board of Directors; and

WHEREAS, A three (3) member nominating committee of the appointed board members would recommend three (3) non-governmental representatives to the NeighborSpace Board of Directors; and

WHEREAS, The three (3) non-governmental representatives must have a significant amount of experience in open space and/or parks management, maintenance, planning or development; and

WHEREAS, The City, the Park District and the Forest Preserve District would enter into an intergovernmental agreement to define the commitment of each governmental entity to NeighborSpace; and

WHEREAS, The City, the Park District and the Forest Preserve District, subject to annual appropriation, would each donate Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) per year for three (3) years to NeighborSpace; and

WHEREAS, The Department has already allocated Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) in its 1996 budget for NeighborSpace; and

WHEREAS, NeighborSpace will have the powers to buy, accept donations of, own, lease, hold easements to, and sell real property; and

WHEREAS, The City would donate, sell or lease typically small parcels to NeighborSpace for use as open space benefiting the Citizens of the City, subject to the approval of the City Council for each parcel for the purpose of creating open public spaces; and

WHEREAS, NeighborSpace will have the power to acquire tax delinquent parcels including applying therefor through the City's Tax Reactivation Program where appropriate and applicable, and easements, or title to river edges dedicated for open space purposes as part of planned developments; and

WHEREAS, NeighborSpace would enter into agreements with local groups for the use and maintenance of open spaces; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The establishment of NeighborSpace is a valid exercise of the home rule powers of the City and will facilitate the development of open spaces for the use and benefit of the citizens of the City of Chicago.

SECTION 3. The establishment of NeighborSpace, an Illinois not-for profit corporation is approved.

SECTION 4. The Mayor, on behalf of the City of Chicago, is authorized to:

- a) appoint a representative to serve as an incorporator of NeighborSpace;
- b) enter into an intergovernmental agreement with the Park District and Forest Preserve District consistent with the above findings of the City Council and upon the approval of the corporation Counsel as to form and legality;
- c) appoint one Department Head and one (1) City Council member to the NeighborSpace Board of Directors; and
- d) jointly with the President of the Park District Board of Commissioners and the President of the Forest Preserve District Board of Commissioners, appoint one (1) member to the NeighborSpace Board of Directors.

SECTION 5. This ordinance shall become effective immediately upon its passage.

Intergovernmental Agreement referred to in this ordinance reads as follows:

Intergovernmental Agreement.

This Intergovernmental Agreement ("Agreement") is entered into this 26th day of March 1996, by and among the City of Chicago ("City"), an Illinois municipal corporation, the Chicago Park District ("Park District"), an Illinois municipal corporation, and the Forest Preserve District of Cook County ("Forest Preserve District"), an Illinois special district and pertains to the formation-of a not-for-profit corporation to be known as "NeighborSpace."

Witnesseth:

Whereas, There is a lack of open space in the City for recreational and aesthetic uses; and

Whereas, The City, the Park District, and the Forest Preserve District wish to develop typically small open spaces as public pocket parks and gardens and to preserve river edges and natural areas for public use; and

Whereas, It is in the interest of the City, the Park District, and the Forest Preserve District, for the development and maintenance of such spaces to be undertaken by private parties who reside in the neighborhoods in which such places are located; and

Whereas, Neighborhood community groups are often unable to develop and maintain such spaces for public use because of concerns over liability and/or lack of adequate funds; and

Whereas, The City, the Park District, and the Forest Preserve District wish to support the formation of a not-for-profit corporation to be known as "NeighborSpace"; and

Whereas, NeighborSpace would own, lease, manage, or hold easements to typically small, open spaces, in the City for development and maintenance by neighborhood community groups since such open space projects can be more efficiently managed by local groups than by governmental agencies; and

Whereas, NeighborSpace will have the power to buy, accept donations of, own, lease, hold easements to, and sell real property; and

Whereas, NeighborSpace will also have the power to acquire tax delinquent parcels including applying therefor through the City's Tax Reactivation Program where appropriate and applicable, and to acquire easements, or title to river edges dedicated for open space purposes as part of planned developments; and

Whereas, NeighborSpace would enter into agreements with local groups for the use and maintenance of open spaces; and

Whereas, The City, the Park District and the Forest Preserve District are entering into this Agreement to facilitate the formation of NeighborSpace;

Now Therefore, In consideration of the covenants and agreements contained herein, the parties agree as follows:

Section 1 - Incorporation Of Recitals.

The foregoing recitals are expressly incorporated in and made a part of this Agreement as if fully set forth therein.

Section 2.

Obligations Of The City And The Park District.

The City and the Park District each agree to donate, sell or lease typically small parcels to NeighborSpace subject, respectively, to the approval of the City Council and the Park District Board of Commissioners for each parcel for the purpose of creating open public spaces.

Section 3.

Obligations Of The City, The Park District And The Forest Preserve District.

The City, the Park District and the Forest Preserve District each agrees to do the following:

A. Appoint one representative to serve as an incorporator of NeighborSpace.

B. Subject to annual appropriations, each provide Ninety-three Thousand Seven Hundred Fifty and no/100 Dollars (\$93,750.00) per year to NeighborSpace in Fiscal years 1996, 1997 and 1998.

Funds for fiscal year 1996 shall be provided upon the signing of this Agreement. Subsequent funds shall be provided by February 1, 1997, and February 1, 1998.

C. Make appointments to the NeighborSpace Board of Directors as follows :

1) The City, acting through its Mayor, agrees to appoint one Department Head and one City Council member.

2) The Park District, acting through the President of its Board of Commissioners, agrees to appoint one member of the Board of Commissioners, and acting through its General Superintendent, agrees to appoint one Department Head.

3) The Forest Preserve District, acting through the President of its Board of Commissioners, agrees to appoint one member of the Board of Commissioners who represents part of the City, and acting through its General Superintendent, agrees to appoint one Department Head.

4) The Mayor, the President of the Park District Board of Commissioners, and the President of the Forest Preserve District Board of Commissioners agree to jointly appoint one (1) member to the NeighborSpace Board of Directors.

Section 4. -

Composition Of The NeighborSpace Board Of Directors.

In addition to the members of the Board of Directors provided for in Section 3(C) of this

Agreement, the Board shall also include three (3) non-governmental representatives who shall serve upon approval of the full Board. The non- governmental representatives shall have a significant amount of experience in open space and/or parks management, maintenance, planning or development.

Note: The Chicago City Council passed an authorization to extend the intergovernmental agreement and increase the funding to One hundred thousand dollars (\$100,000) each from the City, Park District and the Forest Park Preserve. The extensions for both the agreement and funding is for 20 years to expire December 31, 2018.