

Micro-farming and Urban Agriculture in Susquehanna Township

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## I. INTRODUCTION

Susquehanna Township seeks to address the way in which its residents can farm. Traditional farming is neither sustainable nor feasible for most residents. Traditional large-scale farming has its limitations and drawbacks. Expansion of farmland, alteration of land for large scale farming and the general disturbance of the land caused by traditional large-scale farming is not a sustainable practice for an ever-growing township. Allowing, or even incentivizing, residents to conduct farming in already-in-use plots, like gardens within the yards of their homes or community gardens within residential neighborhoods, will provide new and exciting opportunities for residents and the township to benefit socially and economically.

Susquehanna Township currently has no ordinance to implement and govern urban agriculture and micro farming in their residential sector or any sector for that matter.<sup>1</sup> Though newer on the scene of farming, micro-farming is characterized for our purposes as yard gardening on one's own residential lot no exceeding three acres of land<sup>2</sup>. Urban agriculture broadly includes farming on sites, commonly referred to as community gardens, exceeding three acres, on roofs and in indoor facilities<sup>3</sup>. Outside of this distinction, both micro-farming and urban farming are of the same idea: farming on a smaller scale and, thus, will be referred to interchangeably for purposes of this narrative.

Surrounding municipalities have also addressed the lack of micro-farming and to lessen the need for traditional farming by implementing urban farming into their code in one way or

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<sup>1</sup> Susquehanna Township, Pa, Municipal Code ch. 20, § 27-2001 (2021).

<sup>2</sup> Morning Chores, *Micro-Farming: What Is It and How Do You Do It* (2022) available at <https://morningchores.com/micro-farming/>

<sup>3</sup> Id., Susquehanna Style, *This Urban Farming Thing* (2016) available at <https://susquehannastyle.com/style/this-urban-farming-thing/>

another. As you will see below, the municipalities discussed provide residents with the ability to conduct their preferred types of farming, including bee keeping, raising livestock, or growing crops, at a smaller scale. This key element is coupled with the location of these smaller plots. The essential location for micro farming and urban agriculture, as it relates to Susquehanna Township's desires, is the urban, residential setting. You will see below various ways micro-farming and urban agriculture have been recognized by various municipalities to the benefit of their residents.

Also essential to the Township's desires is the public welfare aspect. This is already prevalent in existing traditional agriculture ordinances around the country. Urban farming presents problems in close quarters. Thus, this element addresses fencing, rodent-proof storage, plot usage plans, and property lines. The final element also speaks to the sustainability obtained by the ordinance: economic and social gains. These gains can be beneficial to both the residents of each respective municipality, and the municipality as a community.

This narrative will first address the problem more intensely. It will then look at the existing, or lack of existing, ordinances that currently address Susquehanna Township's problem. To address this problem properly, the narrative will look at other municipalities and what they have done to address their own need for micro farming and urban agriculture. Here, each of the key elements the Township wishes to address in their own ordinance will be analyzed. A small section will be dedicated to the environmental impact seen from these ordinances to further drive home the reason to solve the problem. Finally, the narrative will review the ordinances of other municipalities and recommend its own ordinance in light of the problem, and everything discussed before it. This will be recommended based on the desires of Susquehanna Township. The narrative will then conclude.

## II. Why Micro Farming and Urban Agriculture?

Traditional large-scale farming can have serious impacts on the environment if left unchecked. An ordinance may seek to regulate or address the environmental impacts of such traditional large-scale farming. But in a municipality like Susquehanna Township, that is only fifteen square miles, there is only so much land that can be dedicated to farming. Susquehanna Township has two parcels for traditional large-scale farming: Stray Winds Farm and Logan's Farm Trails.<sup>4</sup> The Township's population has grown by ten percent between the last two censuses.<sup>5</sup> With a growing population and limited space, every resident will not have the opportunity to farm under the current, traditional agriculture ordinance.<sup>6</sup> The solution to this problem is simple: make farming smaller. Micro-farming and urban agriculture allow for the traditional crop farming in the backyards of the residents or in community gardens. Susquehanna Township was founded by settlers who farmed the area upon their arrival.<sup>7</sup> To keep the benefits and opportunities provided by farming while bringing sustainability into the equation, micro-farming and urban agriculture should be introduced.

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<sup>4</sup> Michael Baker International, *Official Map of Susquehanna Township* (February, 2020), [https://www.susquehannatwp.com/sites/g/files/vyhlf3896/f/pages/susquehanna\\_township\\_official\\_map.pdf](https://www.susquehannatwp.com/sites/g/files/vyhlf3896/f/pages/susquehanna_township_official_map.pdf)

<sup>5</sup> U.S. Census Bureau, *Geographic Identifiers: U.S. 2020 Census* (2020)

<sup>6</sup> Susquehanna Township, Pa, Municipal Code ch. 20, § 27-2001 (2021)

<sup>7</sup> <http://susquehannatwp.org/susq/AboutUs.aspx>

### **III. How Existing Ordinances Address Micro-Farming and Urban Agriculture**

Susquehanna Township simply does not have an ordinance in their code to allow for the use of residential areas for farming.<sup>8</sup> The code only allows for traditional farming on plot sizes five or more acres.<sup>9</sup> The Township- code also prevents storage of seeds, equipment, and crops from being stored twenty or more feet from property lines. In order to allow for smaller scale farming practices, the code would need to be updated to allow for yard gardens and community gardens to store farming equipment and crops within their farming site.

### **IV. How Others Have Addressed Micro-Farming and Urban Agriculture**

The concepts of micro farming and urban agriculture are rather new. Existing ordinances around the state have attempted to introduce various ways to introduce small scale farming under their respective “Urban Agriculture” and “micro farming” code sections. No one ordinance fits exactly the desires of Susquehanna Township; however, each addressed some aspect that can be recommended or implemented within our proposed ordinance. These aspects are presented as essential elements which include plot size, location, public welfare (separated by sub-elements below), and economic and social welfare.

#### **A. Plot Size**

Plot sizes for micro-farming and urban agriculture are what separates them from traditional large-scale farming. The ordinances discussed below differ in the ways in which they allow for smaller scale farming, but each lend help in how to scale down traditional farming so that it may be permitted within residential zones.

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<sup>8</sup> Susquehanna Township, Pa, Municipal Code ch. 20, § 27-2001 (2021)

<sup>9</sup> *Id.*

Plot sizes for micro farming and urban agriculture vary around the state. Castle-Shannon township allows for plots to be 5,000 feet for the farming of chickens and bee keeping.<sup>10</sup> Other municipalities have permitted smaller plots of ten to twenty feet.<sup>11</sup> The plot sizes vary depending on use and location, each ordinance recognizes the issue of how to give residents the opportunity to farm at a smaller level. Larger cities, like Pittsburgh and Philadelphia, have a more comprehensive code for smaller scale farming.<sup>12</sup> This is in large part due to the ability to farm in locations discussed in the location section and a large population with different usage wants. Traditional farming can be done on three acres or more in Pittsburgh while smaller scale urban farming can be done in plots of 2,000 to 3,000 square feet.<sup>13</sup> Philadelphia City is similar but varies when it comes to locations for these plots.<sup>14</sup>

## **B. Plot Location**

Essential to Susquehanna Township's micro-farming and urban agriculture wants is residential farming. Each municipality mentioned below allows for a smaller scale farming on residential lots. Whether it be an off-site ability to farm or a unique location within the property lines of a residential area, the ordinances solve the issue of giving farming opportunities and benefits to its residents without expanding traditional farming plots.

The element of plot location is considered in several ways. The main similarity among the ordinances is that municipalities meet this element by allowing opportunities and benefits to go to residents. For example, Montgomery Borough has officials provide an off-site location

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<sup>10</sup> Castle Shannon Borough, Pa, Zoning, Ordinance 926 § 204 (2021)

<sup>11</sup> Montgomery Borough, Pa, Borough Code Art. 11 § 475-82, 132 (2017),

<sup>12</sup> Pittsburgh, Pa, The Pittsburgh Code ch. 926, § 911.02, 911.04, 911.07 (2021), Philadelphia City, Pa, The Philadelphia Code ch. 14-700 § 14-706, ch 19-1600 § 19-1603 (2022).

<sup>13</sup> The Pittsburgh Code Ch 926 § 911.02

<sup>14</sup> Philadelphia, § 14-603(15)

where members of the community pay for and farm their own crops.<sup>15</sup> This is not unlike the opportunities granted by Philadelphia and Pittsburgh, where one of several options within their code is community or market-shared farming.<sup>16</sup> The larger cities also seem to allow for plot sizes on the larger side of micro-farming (three to five acres) while Philadelphia, uniquely, has open up cultivation on top of rooftops, called green roofs.<sup>17</sup> Off-site or on-site options for the selling of crops are also available to residents who participate in smaller scale farming. Backyard farming is a possibility in these codes as well as others.<sup>18</sup>

### **C. Public Welfare**

This heading provides a look at how municipal ordinances allow for smaller scale farming to an individual resident, while also protecting neighboring sites from any negative effects. For our purposes, public welfare includes fencing regulations, storage considerations, agricultural structures and respect for property lines. The municipal ordinances are most similar in their approach to these aspects than they are in the previous two headings. Generally, the ordinances seem to be in consensus with respect to these aspects. The aspect that varies the most tends to be property lines. The discussion here talks about the ability of residents to build and store things near or on property lines.

#### **1. Fencing**

There is nothing beyond the imagination when it comes to fencing in the ordinances around the state. Many of the ordinances that allow for farming in residential zones require

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<sup>15</sup> Montgomery Borough, § 475-82, 132

<sup>16</sup> Philadelphia, § 14-603 (15), Pittsburgh, ch. 926, § 911.02, 911.04, 911.07.

<sup>17</sup> *Id.*, Philadelphia, § 14-702 (16).

<sup>18</sup> *Id.* at § 14-603, Pittsburgh, ch § 911.02, Castle Shannon Borough, §§ 201-04

compliance with general fencing based on zoning requirements. Though fencing, in general, is not required of all residents, if a resident is engaged in micro farming and/or urban agriculture, as stated in Philadelphia's code, then you must comply with the normal residential fencing and wall regulations.<sup>19</sup> Depending on use, an emphasis on solid and sturdy fences can be found in ordinances like Pittsburgh and Montgomery Borough.<sup>20</sup> Height requirements vary and are also based on use. For crop farming, fencing requirements tend to be coupled with storage location and setbacks from adjoining property lines.

## 2. Storage

Pest and rodent control requirements are also addressed within the ordinances. Storage requirements seek to prevent pests and rodents from rooting within residential areas in search of food by requiring the resident to keep the area tidy. This would be the type of nuisance that is most likely to impact a residential area. The main solution to this nuisance is rodent-proof or pest-proof storage and storage setbacks. Crops, seeds, and animal feed, where applicable, all must be stored in rodent-proof storage.<sup>21</sup> Some simply allow open storage surrounded by the property fence.<sup>22</sup> Others require the resident to harbor storage units within an enclosed structure.<sup>23</sup> Generally, storage for farming equipment is not required. Usual yard equipment would not be subject to such requirements so it would make sense that storage needs for equipment used for small scale farming would be left to those who possess the equipment.

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<sup>19</sup> Philadelphia, §14-603, § 14-706 (1)

<sup>20</sup> Pittsburgh, § 9.12.07 (15), Montgomery, § 475-8

<sup>21</sup> *Id.* at § 441-4, Castle Shannon § 204(A)(4), Pittsburgh, 912.06 (3).

<sup>22</sup> *Id.*, Montgomery, § 475-48.1.

<sup>23</sup> Castle Shannon § 204.



### **3. Respect for Property Lines**

Property line emphasis is unique to micro-farming and urban agriculture when compared to traditional farming. Although property line issues are a common consideration for large scale farming, they are particularly important for small scale farming within residential zones because there are more property lines confined within a small space. The ordinances tend to address where one can build, farm, and store items as it relates to their shared property line. Despite the potential severity of this problem, most ordinances address it similarly.

Most ordinances allow exceptions for pre-existing buildings such as sheds or garages where things may be stored.<sup>24</sup> This is obvious for garages as they are mainly kept on property lines when they don't have a driveway. Similarly, new buildings, agricultural structures, and other things associated with farming, such as fly-aways for poultry farming, are generally required to be fifteen to twenty feet from property lines.<sup>25</sup> Castle Shannon allows for the shortest distance between property lines at ten feet.<sup>26</sup> Larger versions of micro-farming and urban agriculture call for larger distances between structures and farming from the property line, usually around fifty feet.<sup>27</sup> This is also dependent on the uses allowed. For crops, the above-mentioned requirements are the standards.

#### **C. Economic Gains**

This element addresses how ordinances give economic benefits to their residents through farming and what, if any, economic gains the municipality receives from allowing the

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<sup>24</sup> *Id.*, Pittsburgh, § 911.04.02(a),

<sup>25</sup> *Id.*, Philadelphia, § 14-603.

<sup>26</sup> Castle Shannon, § 204.

<sup>27</sup> Pittsburgh, § 911.04.02, Philadelphia § 14-603.

community to farm. Below you will see various ways an ordinance has addressed the way residents gain economically. These benefits derive from both on-site and off-site sales of cultivated products. Municipalities gain mainly through fees or taxes implemented through purchasing of a plot, sales tax, or permits.

### **1. Residents Economic Gains**

Ordinances satisfy this element in several different ways. One instance is off-site selling of cultivated products. This can be accomplished by the use of a farm stand where an individual manages the farm stand in an area outside their property lines.<sup>28</sup> Others offer off-site selling at their community gardens.<sup>29</sup> Pittsburgh is unique in that it allows for residential farming, but the sale of which must take place in a non-residential area.<sup>30</sup> On-site selling of farming products is similar to a traditional farm stand, but on one's own residential property.<sup>31</sup> This is analogous to a garage sale, but for crops. Market-farms are closer to a farmer's market type atmosphere where the resident takes their crops for sale to other residents.

### **2. Municipality Economic Gains**

Some municipalities do not profit from the allowance of farming of crops within the residential setting. This is mainly because the farming is small in scale and often intended for self-sustaining purposes only. Montgomery Borough allows only for the self-sustaining aspect of micro-farming, with the farming taking place on a plot outside of the residence. This plot is

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<sup>28</sup> Cumberland County, *Community Gardens Model Ordinance*, (2014) available at [https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag\\_Community-Gardens\\_FINAL](https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag_Community-Gardens_FINAL)

<sup>29</sup> Philadelphia, § 14-601(11),

<sup>30</sup> Pittsburgh, 912.07.A

<sup>31</sup> Philadelphia § 14-603, Cumberland County, *Community Gardens Model Ordinance*, (2014) available at [https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag\\_Community-Gardens\\_FINAL](https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag_Community-Gardens_FINAL)

purchased for a price from the municipality.<sup>32</sup> This is for the added benefit of security provided for the borough.<sup>33</sup> Some ordinances treat the sale of cultivated products the same as they would with other outdoor sales from the retail setting.<sup>34</sup> These sales are subject to the taxes attributed to such retail sales.<sup>35</sup> Permits may be required to allow residential farming in areas like Philadelphia.<sup>36</sup> Permitting is subject to a small fee. There are versions in most of the municipal ordinances that permit farming as a right. This right allows farming to be done without payment of fees to the municipality.<sup>37</sup>

## V. Environmental and Social Benefits

Environmental and social benefits are key to sustaining a community. Economic benefits can come from traditional farming or other things that can be implemented that are not as sustainable. Micro-farming and urban agriculture is a sustainable practice that can provide social and economic benefits to residents, while also preventing or eliminating negative effects associated with the continued use or expansion of traditional farming.

Places like Philadelphia are densely populated. Without the implementation of smaller scale farming in residential areas, the gains and benefits of farming could not be realized outside of buying food from a store. Green roofs and backyard gardens put already-in-use areas into further use without the need for additional lands.<sup>38</sup> Other places, like Montgomery Borough,

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<sup>32</sup>Montgomery Borough, see <https://www.montgomeryborough.org/wp-content/uploads/2021/06/2021-Community-Garden-Application-and-Agreement.pdf>

<sup>33</sup> *Id.*

<sup>34</sup> Pittsburgh, 912.06

<sup>35</sup> *Id.*

<sup>36</sup> Philadelphia, 14-901.

<sup>37</sup> Pittsburgh, § 911.04.02, Philadelphia § 14-603, Cumberland County, *Community Gardens Model Ordinance*, (2014) available at [https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag\\_Community-Gardens\\_FINAL](https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag_Community-Gardens_FINAL)

<sup>38</sup> Philadelphia, § 14-603, § 14-700

direct all small-scale farming activity into a community lot where plots can be used.<sup>39</sup> All of the ordinances permit farming at a smaller scale. This prevents the negative impacts on the land that commonly occur in traditional farming.

Social benefits include the self-sustaining possibility each ordinance presents. Not only could residents gain financially from the food they produce and sell, but they also gain the ability to feed themselves. This aids the community as a whole. Whether it be the market farms in Philadelphia, or the plots purchased from the borough in Montgomery, each resident can sustain themselves through ordinances that empower them to produce their own food.<sup>40</sup> Municipal ordinances that allow for small scale farming within residential zones should seek to foster economic and social benefits. Buying and selling food from one's neighbor, grown within the neighborhood, brings a community together. It is easier to be a sustainable community when the community likes each other.

## **VI. Recommendation**

The recommendation will look at each essential element mentioned above. The elements will be discussed as they will be recommended and included in the proposed ordinance to Susquehanna Township. This Recommendation will take the best aspects of the municipal ordinances around the state that seek to allow for small scale farming within residential zones and will compile them to create a draft ordinance for Susquehanna Township. This section will further state how each municipality's way of addressing the specific elements work with the

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<sup>39</sup> Montgomery Borough, 475.48

<sup>40</sup> *Id.*, Philadelphia, 14-203 (116)

desires of Susquehanna Township's own ordinance. The section will conclude with how the ordinance will be funded.

### **A. Plot Size**

For plot size, it is recommended the Township limits micro farming in the form of yard gardens to a plot size no more than three acres. This is in line with all the ordinances, except for Pittsburgh and Philadelphia who allow for up to five acres in certain areas.<sup>41</sup> It is also recommended the Township require plots that are larger than three acres to be classified as urban agriculture permitted as a community garden. This allows for community gardens with plots similar to Philadelphia and Montgomery Borough and side, front, and backyard use.<sup>42</sup> The split in size recommendations would be beneficial to the Township in that it creates two separate small scale farming categories, with different requirements. Yard gardens would not require a permit, whereas community gardens would. The essential idea of the ordinance is to allow for small scale farming within urban areas, and the size distinctions allow for the Township to collect a fee for the larger category type, while still incentivizing residents to grow their own food at no cost or additional municipal oversight.

### **B. Plot Location**

It is recommended micro farming activity be conducted in front, side or back yards of a residence, while also allowing for urban agriculture in the form of off-site plots within a community garden. Residents would be permitted to engage in either category type based on their own preference. Locations for selling the products would be through on-site farm stands for

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<sup>41</sup> *Id.* at § 14-700, Pittsburgh §911.02

<sup>42</sup> Montgomery Borough, 475.48, Philadelphia, § 14-700 (116)

both category types. This would designate the area for selling crops so it is known to the municipality and the residents. Farm stands would be located on site and would facilitate sales of cultivated products all in one location.

### **C. Public Welfare**

This element consists of many sub-elements that can be addressed in short order since most of the municipalities have implemented these aspects very similarly.

Fencing will not be as important as it may be in other ordinances because the permitted small-scale farming allows only for crops. Thus, wood, welded wire, or ornament metal are acceptable fencing material for purposes of small-scale farming. Fences provide for solid and sturdy security that has been seen in the above ordinances.<sup>43</sup>

Storage requirements will be as stated above. Farming items like seeds must be enclosed and other items like compost must be contained in rodent-proof storage. There is an additional requirement for storage of tools, equipment and farm stands.

Respect for property lines will be addressed by a general provision requiring storage and agricultural structures to be located as far as practicable from property lines. This generalization is narrowed for structures and fits with the customs of Pittsburgh and Philadelphia.<sup>44</sup> With the vision of what the Township would like micro-farming and urban agriculture to be, this is the most practical way. People only have so much room in their yards. Any more stringent requirements could prevent people from engaging in small-scale farming all together.

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<sup>43</sup> Pittsburgh, § 9.12.07 (15), Montgomery, § 475-8

<sup>44</sup> Pittsburgh, § 911.04.02(a), Philadelphia, § 14-603.

## **D. Economic Gains**

Residents and the Township should both economically gain from the ordinance. This supports the overall theme of sustainability. By keeping the Township economically happy, and allowing the residents to benefit from their labors, the Township as a whole will be encouraged to introduce and grow this self-sustaining practice to the benefit of everyone.

The recommendation is that the selling of the (literal) fruits of the residents' labor should be permitted. This is most akin to what Pittsburgh and Philadelphia do.<sup>45</sup> Doing as these municipalities do will permit on-site sales to the benefit of the residents. The use of farm stands at each location will indicate the intention to sell and the resident shall benefit economically from that sale.

The recommendation is for the permit of urban agriculture in the form of a community garden to be subject to a small application and renewal fee. This is most akin to the above-mentioned ordinances. This allows for the municipality to take a share for allowing the residents to farm in residential areas while only subjecting the ones who want to farm at a slightly larger level with a small fee. The price should be closer to what Montgomery Borough charges for their plots, twelve to twenty dollars, as it is affordable and fair to the public.

## **D. How to Pay for the Ordinance**

The ordinance makes for little work for the municipality. All the labor to implement this ordinance is provided by those who want to take part in the benefit. Any costs that may burden the city by adopting the proposed ordinance would be paid for by permitting fees. Requiring a permit for community gardens makes it that only those who actually want to take part will,

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<sup>45</sup> *Id.*

without incident. Few would pay twenty or more dollars just to be a nuisance or cause a problem for their neighbors. If there were to be any additional costs to the municipality through the adoption of this proposed ordinance, the permitting fees could be increased to cover those costs. This ordinance, however, comes at little to no cost to the Township.

## **V. Conclusion**

Allowing micro farming and urban agriculture comes at little cost to the municipality and the environment. The production of crops for self-sustenance and sale to the community has been done in other municipalities. This production creates opportunities and benefits that traditional farming has not realized since its earlier implementations. The recommendation takes the best answers to the essential elements provided by the municipal ordinances and creates an environmentally, socially and economically sustainable land use ordinance for the Township to implement in their code. The ordinance grants the benefits and opportunities of traditional farming, while preventing and eliminating the issues associated with it.



Micro-farming and Urban Agriculture

ORDINANCE NO. \_\_\_\_

An ordinance of the Township of Susquehanna, Dauphin County, Pennsylvania, providing for Yard Gardens and Community Gardens.

Chapter 1 - General Provisions

Section 101. Short title. This ordinance shall be known as the “Micro-farming and Urban Agriculture Ordinance” of Susquehanna Township.

Section 102. Authority. This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247 Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, Sect. 209.1 as reenacted and amended.

The Township of Susquehanna, Dauphin County hereby enacts as follows:

Section 103. Purpose. The purpose of the Micro-farming and Urban Agriculture Ordinance is to:

- (1) Allow the growing of crops in urbanized areas while minimizing negative impacts to adjacent properties and the community.
- (2) Encourage locally grown produce, promote healthy and nutritional food, and fill gaps in food accessibility for a community.

(3) Foster community development by providing opportunities for recreation and community interaction through the micro-farming and urban agriculture uses.

(4) Provide green space in urbanized areas to enhance community character and aesthetic.

Section 104. Definitions. For the purposes of this ordinance, the words and phrases used herein shall have the meaning given to them in this section unless the text clearly indicates otherwise.

“Accessory use” means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. Use shall be measured by the square footage or percentage of the square footage for that total use.<sup>46</sup>

“Agricultural Structure” means a structure used to grow food or non-food crops, including, but not limited to, high tunnels, cold frames, hoop houses, and green houses.<sup>47</sup>

“Back Yard” means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.<sup>48</sup>

“Board of Commissioners” means the Board of Commissioners of Susquehanna Township.

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<sup>46</sup> Susquehanna Township, Pa, Municipal Code ch. 20, § 27-204

<sup>47</sup> Philadelphia Code 14-604.(9)

<sup>48</sup> Id. Supra see note 46

“Community Garden” means land managed and maintained by a public or nonprofit organization, or a group of individuals, to grow and harvest food crops and/or ornamental plants for use by a group, individuals cultivating the land and their households, or for donation.<sup>49</sup>

“Community Garden Coordinator” means the individual or entity named on the community garden application and zoning permit application, responsible for compliance with provisions of this ordinance.

“Cultivated products” means any crops grown and harvested.

“Determination” means a final action by the Zoning Officer charged with the administration of any land use ordinance or applications thereunder.

“Farm stand” means a structure for the display and sale of products grown on the property upon which the stand is located.<sup>50</sup>

“Food crops” means products grown for human consumption including row crops and field crops.<sup>51</sup>

“Front yard” means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street lines.<sup>52</sup>

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<sup>49</sup> Cumberland County, Community Gardens Model Ordinance

<sup>50</sup> Id.

<sup>51</sup> City of Austin, Tex., chapter 25-2 Zoning § 25-2-7(B)(4)

<sup>52</sup> Id. Supra see note 46

“Micro-farming” means the personal use of a resident’s own lot for the purposes of growing and harvesting for individual and consumption.

“Non-food crops” means products grown that are not for human consumption.

“On-site sales” means the sale of cultivated products at the same location as they were produced and harvested.

“Person” means any natural person, association, partnership, firm, organization or corporation.<sup>53</sup>

“Principal use” means the primary or predominant use of any lot or parcel. Use shall be measured by the square footage or percentage of the square footage for that total use. The principal use must be the use to which a majority of the square footage of the building or lot is dedicated.<sup>54</sup>

“Resident” means a person who is lawfully permitted to dwell on the residential lot.<sup>55</sup>

“Side Yard” means an open unoccupied space on the same lot with a main building. It is the area between the building and the side line of the lot, extending from the front yard to the back yard.<sup>56</sup>

“Township” means the Township of Susquehanna, Dauphin County, Pennsylvania.

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<sup>53</sup> Township of Susquehanna, Dauphin County, PA, Conduct § 6-1001(1)

<sup>54</sup> Id.

<sup>55</sup> Township of Susquehanna, Dauphin County, PA, Residential Permit Parking § 15-409(2).

<sup>56</sup> Id.

“Trash and refuse” means any waste generated in the growing, harvesting and cultivation of crops.

“Urban agriculture” means gardening in medium to high density residential areas in the form of residential community gardening in vacant lots and parks.

“Use” means a specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include a nonconforming use.<sup>57</sup>

“Yard garden” means an area for growing and cultivating food crops, non-food crops and ornamental plants within a resident’s back, front, or side yard.

“Zoning map” means the official zoning map of Susquehanna Township adopted under the Susquehanna Township Zoning Ordinance, together with all amendments thereto subsequently adopted.<sup>58</sup>

“Zoning officer” means the person who reviews and makes determinations on applications for permits for urban agricultural uses.<sup>59</sup>

“Zoning ordinance” means the Susquehanna Township Zoning Ordinance, as amended.<sup>60</sup>

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<sup>57</sup> Id. Supra see note 46

<sup>58</sup> Id.

<sup>59</sup> Id.

<sup>60</sup> Id.

“Zoning permit” means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is located or is to be located.<sup>61</sup>

## Chapter 2 - Permitted Use

### Section 201. Permitted uses for Micro-farming.

(a) All residents shall be permitted to make accessory use of their back, front and side yards to cultivate and harvest food and non-food crops for personal consumption and on-site sale to the community through a farm stand.<sup>62</sup>

(b) The resident need not apply for a permit to engage in micro-farming activities conducted through yard gardening so long as the total area used does not exceed three acres.<sup>63</sup>

(c) The resident that fails to conform to these requirements may be subject to classification as a community garden under urban agriculture under Section 202 of this Chapter and may be subject to associated application and permitting fees.

### Section 202. Yard Gardening.

(a) General use. Yard gardening shall:

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<sup>61</sup> Id.

<sup>62</sup> Cumberland County, *Community Gardens Model Ordinance*, (2014) available at [https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag\\_Community-Gardens\\_FINAL](https://www.cumberlandcountypa.gov/DocumentCenter/View/21219/Urban-Ag_Community-Gardens_FINAL)

<sup>63</sup> [https://apps.pittsburghpa.gov/dcp/Urban\\_Agriculture\\_Handout\\_New\\_Legislation\\_Version.pdf](https://apps.pittsburghpa.gov/dcp/Urban_Agriculture_Handout_New_Legislation_Version.pdf)

(1) Be limited to the cultivation of fruits, vegetables, herbs, plants, flowers and seeds for the purpose of consumption and on-site sale.<sup>64</sup>

(2) Permit the sale of agricultural and farm products that are grown, used, produced on-site and shall be permitted only in residential urban districts and shall comply with the standards R-4 Residential Urban Districts.

(3) Require the front, back or side yard garden be designed and maintained so that adjacent property owners will not be subject to nuisance.<sup>65</sup>

(4) Not permit animal husbandry, cultivation, sale or processing.<sup>66</sup>

(b) Trash and refuse collection and removal. The following shall apply<sup>67</sup>:

(1) The resident shall have a trash and refuse collection service for the resident-owned property.<sup>68</sup>

(2) The resident shall collect the trash and refuse from the lot and the adjoining sidewalk and place it in designated trash collection barrels for pick-up.

(3) The resident may compost materials as far as practicable from the side, front or back lot lines.

(c) Nuisance. A front or back or side garden shall be conducted in such a way as to not create the following nuisances:<sup>69</sup>

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<sup>64</sup> Id. Supra see note 48

<sup>65</sup> City of Austin, Tex., chapter 25-2 Zoning § 25-2-7(c)(1)

<sup>66</sup> Urban Ag Law – view here <https://urbanaglaw.org/planning-and-zoning/philadelphia-pennsylvania/>

<sup>67</sup> Student Urban Agriculture Ordinance 2020

<sup>68</sup> Id. Supra see note 51

<sup>69</sup> Student Urban Agriculture Ordinance 2020

- (1) substantial traffic congestion;
- (2) noise;
- (3) odor;
- (4) safety hazards;
- (5) encroachment onto neighboring properties; or
- (6) blight to the character of the lot or neighborhood.

(d) Equipment. The resident shall not be limited in the use of gardening equipment and tools, so long as the use of such equipment and tools does not create a nuisance as set out in section (c).

(e) Storage. The resident shall store compost, fertilizer, cultivated or harvested products, trash and refuse as far as practicable from abutting residential uses. The resident need not use covered storage, unless there is compost stored in the yard garden. If compost is stored in the yard garden, the storage shall be:<sup>70</sup>

- (1) covered;
- (2) pest-proof; and
- (3) rodent-proof.

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<sup>70</sup> Cumberland County Urban Agriculture Model Ordinance



(f) Fences. The resident shall not be required to erect a fence. Should the resident construct a new fence, the fence shall comply with residential zoning requirements and shall be sturdy<sup>71</sup> and constructed from one or more of the following materials:<sup>72</sup>

- (1) wood; or
- (2) chain link; or
- (3) ornamental metal.

(g) Signs. Signs shall:<sup>73</sup>

- (1) be permitted only for of on-site sales;
- (2) not exceed three square feet in size;
- (3) be limited to one sign per residential lot;

(h) Farm Stands: The following shall apply:<sup>74</sup>

- (1) Only one farm stand shall be permitted per residential lot.
- (2) A farm stand need not have a minimum front setback requirement but shall not be permitted within the street right-of-way.<sup>75</sup>

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<sup>71</sup> Pittsburgh, § 9.12.07 (15), Montgomery, § 475-8

<sup>72</sup> Montgomery Borough, Pa, Borough Code Art. 11 § 475

<sup>73</sup> Pittsburgh, Pa, The Pittsburgh Code ch. 926, § 911.02, 911.04, 911.07 (2021).

<sup>74</sup> Id. Supra see note 63

<sup>75</sup> Urban Ag Law, view here <https://urbanaglaw.org/planning-and-zoning/philadelphia-pennsylvania/>

(3) A farm stand must be removed from the premises or stored inside a structure on the premises when the resident is not operating the farm stand for on-site sales.<sup>76</sup>

(i) On-site sales. On-site sales shall:

(1) be limited to incidental sales of fruits, vegetables, herbs, plants, flowers and seeds cultivated on site.

(2) be permitted any day of the year.<sup>77</sup>

(2) occur for no more than two consecutive days on any occasion during a calendar year.

(j) Processing of cultivated products.

(1) The resident shall be permitted to process cultivated products for personal consumption or on-site sale.

(2) The resident shall be limited in the processing of cultivated products for on-site sale to the following manners:

(i) Squeezing or pressing to create natural juice;

(ii) Slicing or dicing to create smaller pieces; and

(iii) Drying or dehydrating to create dried products;

(k) Incentives.

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<sup>76</sup> Id.

<sup>77</sup> Urban Ag Law, see note 69

(1) A resident may inform Susquehanna Township of front or back or side yard gardening. Upon notification, Susquehanna Township may provide an annual \$10 trash or refuse bill credit to the resident.

(2) The Township reserves the right to penalize the resident participating under this ordinance for noncompliance with the provisions of the ordinance as a result of front or back or side yard gardening and may result in the Township revoking any credit received by the resident to their trash or refuse account.

(1) Safety. Adjoining sidewalks shall be kept clear of compost, refuse, agricultural structures, roots, rotted produce, seeds, flowers and trimmings.

#### Section 203. Permitted uses for urban agriculture.

(a) General Rule. Urban Agriculture shall be permitted in the form of a community garden. Community gardens shall be permitted in all zoning districts subject to the following conditions:

(1) A community garden shall be limited to the cultivation of fruits, vegetables, herbs, plants, flowers and seeds for the purpose of consumption or local sale.

(2) A community garden shall be run by a resident, community group, or neighborhood group acting as community garden coordinator.<sup>78</sup>

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<sup>78</sup> Urban Agriculture - a guide for municipalities – view here  
[https://iop.pitt.edu/sites/default/files/Reports/Status Reports/Urban%20Agriculture%20-%20A%20Guide%20for%20Municipalities.pdf](https://iop.pitt.edu/sites/default/files/Reports/Status%20Reports/Urban%20Agriculture%20-%20A%20Guide%20for%20Municipalities.pdf)

(3) A community garden shall erect a fence or dense vegetative screen along front, side, and back lot lines that are adjacent to a residential zoning district.<sup>79</sup>

(4) A community garden shall be permitted to erect agricultural structures for the purposes of gardening and those structures shall comply with the standards of the zoning district.<sup>80</sup>

(5) A community garden's trash and refuse and compost bins shall be rodent-resistant and located as far as practicable from abutting residential uses. Refuse shall be removed from the community garden at least once a week.

(6) A community garden's storage areas for tools and equipment must be enclosed and located as far as practicable from abutting residential uses.

(7) A community garden shall be permitted to erect a farm stand for the purposes of selling cultivated fruits, vegetables, herbs, plants, flowers and seeds.

(8) A community garden shall not be permitted to engage in animal husbandry, cultivation, sale or processing.

(b) Hours of operation. The following shall apply:

(1) Community gardening shall be permitted between dawn to dusk every day of the week.

(2) Any machinery or equipment usage must be used within the hours of operation of subsection (b)(1).

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<sup>79</sup> Pittsburgh, Pa, The Pittsburgh Code ch. 926, § 911.06

<sup>80</sup> Urban Agriculture, see note 72

(3) Community gardening sales shall be permitted within the hours of operation of subsection (b)(1).

(c) Nuisance. A community garden shall be conducted in such a way as to not create the following nuisances:

- (1) substantial traffic congestion;
- (2) noise;
- (3) odor;
- (4) safety hazards;
- (5) encroachment onto neighboring properties; or
- (6) blight to the character of the lot or neighborhood.

(d) Trash and refuse collection and removal.<sup>81</sup>

- (1) The township shall provide trash and refuse collection services and shall assess an annual trash fee.
- (2) A community garden operator shall collect the trash and refuse from the lot and the adjoining sidewalk and place it in designated trash and refuse collection barrels for removal.
- (3) A community garden may compost materials on-site by meeting the following requirements:

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<sup>81</sup> Student Urban Agriculture Ordinance 2020

(i) minimum of 15 feet from rear and side lot lines.<sup>82</sup>

(ii) compost may only consist of plant derived materials.

(iii) a community garden shall use a township composting removal partner and may not compost in a way that creates a nuisance.

(e) Equipment. Agricultural machinery, equipment or vehicles used in tending a community garden shall be limited to the following:<sup>83</sup>

(1) Manual gardening tools.

(2) Equipment weighing no more than 85 lbs in weight.

(3) Vehicles with horsepower below 65.

(f) Fences. Fences shall:<sup>84</sup>

(1) be required for any community garden located within a residential zone.<sup>85</sup>

(1) not exceed 6 feet in height; and

(3) be constructed of the following material:

(i) wood; or

(ii) chain link; or

(iii) ornamental metal.

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<sup>82</sup> Id Supra see note 65

<sup>83</sup> Id.Supra see note 71

<sup>84</sup> Pittsburgh, § 9.12.07 (15), Montgomery, § 475-8

<sup>85</sup> Id. Supra see note 69

(g) Vegetative screens. Vegetative screens shall be required for any community garden located within a residential zone. The vegetative screen shall serve as a barrier between crops growing within the community garden and abutting or adjoining residential lots.<sup>86</sup>

(h) Accessory agricultural structures. The following shall apply:

(1) An accessory agricultural structure erected for more than 180 days shall require a building permit and must comply with the requirements of this Zoning Code.

(2) An accessory agricultural structure erected for 180 or fewer days shall not require a building permit.

(3) An accessory agricultural structure shall be set back at least 20 ft. from side and rear lot lines and shall not exceed 18 ft. in height.

(i) Farm Stands: The following shall apply:

(1) Only one farm stand shall be permitted per community garden.

(2) A farm stand need not have a minimum front setback requirement but shall not be permitted within the street right-of-way.<sup>87</sup>

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<sup>86</sup> Urban Ag Law, see note 63

<sup>87</sup> Id. Supra see note 75

(3) A farm stand must be removed from the premises or stored inside a structure on the premises during that time of the year when the facility is not open for public use.<sup>88</sup>

(j) On-site sales. On-site sales shall be:

(1) limited to incidental sales of fruits, vegetables, herbs, plants, flowers and seeds cultivated on-site.

(2) permitted to occur on any day of the year.

(3) permitted to occur for no more than two consecutive days on any occasion during a calendar year.

(k) Processing of cultivated products.

(1) A community garden shall be permitted to process cultivated products for consumption or on-site sale.

(2) A community garden shall be limited in the processing of cultivated products for on-site sale to the following manners only:

(i) Squeezing or pressing to create natural juice;

(ii) Slicing or dicing to create smaller pieces;

(iii) Drying or dehydrating to create dried products;

(l) Safety. The following shall apply:

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<sup>88</sup> Id. Supra see note 76



- (1) The township will compile a list of all registered community gardens with contact information for community garden coordinators annually and will provide it to law enforcement for security purposes.
- (2) The Zoning Officer will take notice of community gardens when they drive by.
- (3) Public sidewalks shall be clear of debris, roots, spoiled fruits, herbs and vegetables.<sup>89</sup>
- (4) Susquehanna Township shall not be responsible for any injuries associated with community garden operator's negligence.
- (5) The township reserves the right to fine the community garden coordinator under this ordinance for noncompliance with the provisions of the ordinance or for repeated safety offenses and nuisance complaints.

### Chapter 3 - Community Garden Requirements and Procedure

#### Section 301. Requirements.

A community garden site user must submit a maintenance plan to the township addressing the location, hours of operation, maintenance and security requirements and responsibilities. The name and telephone number of a community garden coordinator to be held responsible must be included in the plan under this section. The following shall apply:<sup>90</sup>

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<sup>89</sup> Id. Supra see note 67

<sup>90</sup>Id.

- (1) The site of the community garden shall be designed and maintained so that water and fertilizer may not drain onto adjacent property.
- (2) There shall be on site sales of cultivated produce for no more than two consecutive days.
- (3) No building or structures shall be permitted on the site, with the exception of accessory agricultural structures erected for less than 180 days per year.
- (4) Fences shall comply with the requirements of the pertinent zoning district.
- (5) Signage may be permitted (reference §27-2407).
- (6) Agricultural use of the community garden shall be limited to the cultivation of fruits, vegetables and other plants, not to include the keeping of insects or animals.

Section 302. Procedure.

(a) Application process. An application in a form acceptable to the Susquehanna township board of commissioners for a permit filed under this ordinance must be submitted to the Zoning Officer by a person in accordance with the requirements of this section. An application for a permit filed under this ordinance must be accompanied by:

- (1) a \$25 fee; and
- (2) An application for a zoning permit.

(b) Zoning permit. Applicants proposing a community garden must submit a zoning permit application identifying the following:

- (1) The address of the proposed property.

(2) Name and contact information of the community garden coordinator to be held responsible for compliance with this Chapter and all other ordinances.

(3) If applicable, the existing and proposed use of each agricultural structure or part of an agricultural structure.

(4) Location and height of each existing proposed agricultural structure.

(5) A proposed schedule for permitted sales within the community garden including dates of operation and times of service.

(6) If applicable, an estimated number of individual plots to be cultivated within the community garden.

(7) A document explaining why the proposed property is suitable for community gardening.

(8) Such additional information as may be necessary to determine compliance with this Chapter and all other ordinances.

(c) Land suitable for community gardening. Requests for community garden sites shall be accepted by the Zoning Officer year-round. The Zoning Officer shall accept the document explaining why the land is suitable for a community garden and determine its suitability.

(d) Approval process for a proposed community garden. The following apply:

(1) A person desiring to operate a community garden within the township must file a permit application along with the supported documentation laid out in section (b) of this Chapter.<sup>91</sup>

(2) The Zoning Officer shall approve an application by a person for the use of suitable land, unless:

(i) the Zoning Officer determines the land to be unsuitable;

(ii) the Zoning Officer is not provided with the zoning permit application and all additional documentation needed for approval; or

(iii) the community garden zoning permit is not issued.

(e) Permit renewal. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer.<sup>92</sup> Such a request shall:

(1) be filed with the Zoning Officer at least 30 days prior to the permit expiration date; and

(2) include a fee of \$15.

(d) Temporary Permits. A temporary permit may be issued by the Zoning Officer for an existing approved community garden. A temporary permit shall be issued only when applications for renewal are being reviewed and the prior valid permit has lapsed.

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<sup>91</sup> Student Urban Agricultura Ordinance 2020

<sup>92</sup> Susquehanna Township, Pa, Municipal Code ch. 27, §603

Temporary permits shall be issued for a specified period of time not to exceed six months and may be renewed once for an additional six-month period.<sup>93</sup>

(f) Denial and appeals. Any person whose application is denied by the Zoning Officer shall be permitted to appeal to the Board of Commissioner. The Board of Commissioners shall have exclusive jurisdiction to hear and render final adjudication regarding zoning permits for community gardens. An appeal of a denial from the terms of this Chapter shall be filed with the Board of Commissioners and shall contain the following information:

- (1) A copy of the zoning permit application and all supporting documentation set out in section (b) of this Chapter; and
- (2) A statement that specifies a particular benefit to the community, social welfare, economy and overall character of the township should the determination be overturned on appeal.

(g) Zoning permit for accessory agricultural structures. When an accessory agricultural structure is in use for over 180 days, the community garden coordinator must apply for a zoning permit for the specific structure. A zoning permit application for the specific structure shall be submitted with the zoning application for a proposed community garden. The Zoning Officer shall approve or deny any zoning permit application for the specific structure when is incidental to the zoning permit application for a proposed community garden. The Zoning Officer shall not accept an application for zoning permit

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<sup>93</sup> Id.

for the specific structure that is not incidental to the application for zoning permit for the proposed community garden.

#### Chapter 4 - Enforcement, Severability, Repeals and Effective Date

Section 401. Enforcement. It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue or deny permits for uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents.<sup>94</sup> The Zoning Officer reserves the right to assess fees for noncompliance to the renewal application of the zoning permit.

Section 402. Severability. It is declared here that if any provisions in this Ordinance are to be found invalid or ineffective in whole or part by a court of complete jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance. All other provisions shall continue to be held separately and in full effect.<sup>95</sup>

Section 403. Repeals. No other sections of the ordinances of Susquehanna Township shall be repealed. All parts of the ordinance of Susquehanna Township are to be read together. To the extent that there are inconsistencies that cannot be read together, this ordinance shall be

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<sup>94</sup> Susquehanna Township, Pa, Municipal Code ch. 27, §602

<sup>95</sup> Susquehanna Township, Pa., Municipal Code § 8-204

construed as to supersede other ordinances for purposes relevant to the provisions and purpose of this ordinance.<sup>96</sup>

Section 404. Effective date. This ordinance shall take effect in 60 days.

ORDAINED AND ENACTED as an Ordinance this \_\_\_\_ day of \_\_\_\_, 20\_\_.

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<sup>96</sup> Id.