

## Article 6: Agricultural District

Preamble .....	2
Section 1 Principal Permitted Uses.....	2
Section 2 Permitted Conditional Uses and Regulations.....	3
Section 3 Permitted Accessory Uses and Regulations .....	4
Section 4 Prohibited Accessory Uses – On Lots without Agricultural Uses.....	4
Section 5 Development Standards.....	5
Section 6 Residential Entrance Gate Requirements.....	7
Section 7 Parking and Loading.....	7
Section 8 Lighting .....	7
Section 9 Provisions affecting Area, Yards, and Courts.....	7

**Preamble** This district has been established to provide for agricultural activities and related uses and is intended to protect and preserve areas for continued agricultural and agriculturally related uses, natural features, and the rural character of the agricultural district. (Revised January 7, 2008)

**Section 1 Principal Permitted Uses**

Land Use Type	*	Right-of-Way Width Required	Special Note
Agriculture	P	Any	-
Single-Family Dwelling	P	Any	-
Public or Private Academic School	P	70	5
Public Library	P	70	-
Public Building	P	70	-
Public Park	P	Any	-
Day Care Center	C	70	-
Private Noncommercial Facilities	C	60	2
Church	C	70	5
Rear Dwelling	C	Any	1
Animal Hospitals, Kennels, or Animal Shelters	C	Any	2
Riding Stable	C	Any	2
Radio and/or Television Transmitter	C	Any	2
Temporary Sawmill for less than 12 months	C	Any	2
Circus/Carnival not exceeding 7 days	C	Any	2
Storage and Drilling of Petroleum Products	C	Any	3
Greenhouse or Nursery	C	Any	4
Golf Course or other Outdoor Recreation	C	70	4
Landscaping/Lawn Care	C	70	4
Bed & Breakfast	C	70	-
Short Term Rental	C	Any	-
Telecommunications Tower	P	Any	6

\***(P)**=Permitted Use                      **(C)**=Conditional Use

**Special Notes**

1. Located on a lot of two (2) or more acres.
2. Structure(s) must be located two hundred (200) feet or more from all adjacent properties.
3. Crude oil, natural gas and accessory minerals provided any installation is located two hundred (200) feet from adjacent property with the exception of a storage tank or relatively permanent derrick which must be at least three hundred (300) feet from building on any adjoining property.
4. Structure(s) must be located one hundred (100) feet or more from all adjacent properties.
5. Must be located on a minimum of five (5) acres with three hundred (300) feet of lot frontage.
6. See Article 13, Section 27 Telecommunication Tower for applicable standards. (Revised December 18, 2017)

For all uses shown above with right of way requirements, the use shall only be permitted when the lot on which the use is to take place has frontage(s) on a public street(s) with a minimum right of way as listed. All vehicular access shall be directly from the roadway(s) having the minimum of right of way as listed. All right of way(s) are as indicated on the Official Thoroughfare Plan of Montgomery County.

**Section 2 Permitted Conditional Uses and Regulations**

- A. Bed and Breakfast facilities shall meet all the following conditions in addition to those outlined in Article 2 of this Resolution:
1. Residential dwellings housing a bed and breakfast shall be forty (40) years or older;
  2. The minimum lot size for a residential dwelling housing a bed and breakfast establishment shall be twenty-thousand (20,000) square feet;
  3. Shall be a minimum of five-hundred (500) feet from another bed and breakfast establishment;
  4. Shall be located on a collector street or higher classification as identified by the Montgomery County Engineer's office;
  5. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated;
  6. The owner/operator of the bed and breakfast shall live full-time on the premises;
  7. Only members of the family residing on the premises shall be engaged in such occupation. The establishment may include one (1) full-time equivalent employee in addition to any member of the family residing on the premises;
  8. Shall have a maximum of three (3) double-occupancy guest rooms with no more than two (2) guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, "adult" means any person over the age of eighteen (18) years old;
  9. The maximum length of stay for any guest is fourteen (14) consecutive days;
  10. One (1) parking space for each guest room shall be provided; the location and screening of said places shall be determined by the Board of Zoning Appeals;
  11. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such bed and breakfast residence other than one sign, not to exceed three (3) square feet in area with no illumination. Said sign shall be mounted flat against the wall of the principal building;
  12. Displays of goods, products, services, or other advertising shall not be visible from outside the building;
  13. On-premise retail sales shall not be a component of the bed and breakfast use;
  14. Activities associated with the establishment shall be provided for overnight guests only;
  15. Accessory structures may be utilized for guest accommodation purposes as part of a bed and breakfast inn use. The number of guest bedrooms in the accessory structure(s) shall not exceed the number of guest bedrooms in the principal structure. Such accessory structures shall have or shall be constructed to have architectural compatibility with the principal structure. Accessory structures used to accommodate the guests of bed and breakfast facilities are not subject to the floor area limitations for accessory structures but shall not exceed thirty-five (35) percent of the gross floor area of the principal structure and shall comply with the setback requirements for accessory structures unless such setback requirements are modified through the application of the flexible development standards

provisions of this Resolution. Passive recreation-related outdoor activities are allowed outside the principal structure or any accessory structure(s), but all other activities and functions designed to serve and entertain guests shall take place only within the principal structure.

- B. Short-Term Rentals shall meet all the following conditions in addition to those outlined in Article 2 of this Resolution:
1. The owner/operator of the Short-Term Rental shall provide the Township with up-to-date contact information so that the Township can promptly reach the owner/operator at any time, whether the owner/operator is on or off the property, to address any issues with the Short-Term Rental property. The owner/occupant must promptly notify the Township in the event of any change in contact information.
  2. The subject property shall not have a documented history of conduct or activities thereon which endanger the safety of person(s) or property, or of otherwise unlawful conditions existing thereon. For the purposes of this provision, a property shall be deemed to have a documented history of conduct and/or activities endangering the safety of individuals or property, or otherwise unlawful conduct, where more than two (2) Calls for Service concerning conduct or activities occurring on, or the condition of, the property have been made in the twelve (12) months immediately preceding the date of submission of the Conditional Use Application.
  3. A Conditional Use Permit authorizing the operation of a Short-Term Rental on any property in the Township may be revoked by the Township Zoning Inspector where, within the span of twelve (12) consecutive months, there have been more than three (2) Calls for Service concerning conduct or activities on, or the condition of, the subject property.

The owner/operator of the Short-Term Rental may appeal revocation of its Conditional Use Permit to the Board of Zoning Appeals pursuant to the procedures set forth in Article 2 of this Resolution.

The owner/operator of a Short-Term Rental for which a Conditional Use Permit has been revoked in accordance with this Section may reapply for a Conditional Use Permit authorizing operation of a Short-Term Rental on the property. The owner/operator must provide documentation demonstrating the property has not been the subject of any Calls for Service or Township-issued citations for a minimum of twelve (12) months immediately preceding the date of submission of the Conditional Use Application. [Revised December 01, 2020]

### **Section 3 Permitted Accessory Uses and Regulations**

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, tool sheds, storage buildings or picnic shelters; provided that such accessory uses shall not involve the conduct of any business trade or industry (with the exception of legally permitted Home Occupation as defined in this Resolution).
- B. Accessory buildings or structures shall occupy no more than 35 percent of the rear yard.
- C. Permitted accessory uses and regulations are located in Article 13, Section 14 of this Resolution. [Revised December 15, 2014]

### **Section 4 Prohibited Accessory Uses – On Lots without Agricultural Uses** (Revised January 7, 2008)

- A. Open storage of, but not limited to; junk, refuse, miscellaneous discarded items, inoperative items and equipment, inoperative or unlicensed motor vehicles, inoperative recreational equipment, auto parts, auto accessories, or inoperative appliances.

**Section 5 Development Standards**

In addition to the provisions of the General Regulations, the following standards for arrangement and development of land and building are required in the "A" Agricultural District. (Revised January 7, 2008)

**A. Height Standards**

Structure Type	Height Standard
Primary Structure	Non-agricultural structures shall not exceed two and one half (2 1/2) stories or thirty-five (35) feet, whichever is greater.
Accessory Structure	Non-agricultural accessory structures shall not exceed the height of the primary structure or fifteen (15) feet in height, whichever is greater.
Places of Public Assembly	Places of public assembly in churches and schools may exceed the maximum height permitted in this district, provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in this district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in this district.

**B. Lot Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed:

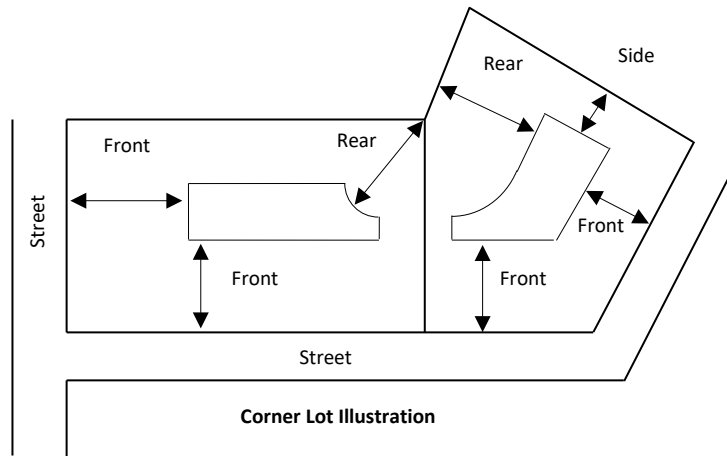
Land Use	Lot Area	Lot Frontage	Required Front Yard Setback	Required Side Yard Setback	Required Rear Yard Setback
Residential	40,000 sq. ft.	150'	60'	20'	70'
Churches and School	5 Acres	300'	100'	60'	80'
Other Permitted Uses	80,000 sq. ft.	200'	100'	60'	80'

**Note:** Frontage shall be one-hundred and fifty (150) feet or a minimum of forty percent (40%) of the depth of the lot, whichever is greater. The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

Except as otherwise provided herein, any non-residential building accessory to a dwelling and/or private swimming pool may be located in the rear yard provided it conforms to the side yard requirements of the lot and is placed 5 feet or more from the rear lot line. However, if placed within the rear portion of the rear yard, then it may be located 5 feet or more from any lot line; provided each and every part of the accessory building and/or swimming pool is closer to the rear lot line than to any part of the main building.

**C. Corner Lots**

Any corner lot shall have two (2) front yards of the required depth, two (2) or more side yards of the required width, and a rear yard of the required depth. If no lot line exists that may be deemed the rear lot line, then the required rear yard depth shall be measured from a point most distant from the front lot lines at which two (2) side lot lines intersect.



D. Decreased Front Yard

The minimum front yard depth may be decreased on any lot in an "A" District whenever:

1. There is a dwelling on each side and within one hundred (100) feet of said lot on the same side of the street and in the same block, and;
2. The average depth of the front yards of said dwellings is less than the front yard required by this Resolution for the proposed use on such lot.

In such case the required front yard depth of such lot may be the same or greater than said average, but not less than the front yard depth of any dwelling on a lot immediately adjoining.

E. Increased Side Yard

In any "A" District the required minimum width of any side yard adjoining a "B" district shall be doubled.

F. Projections into Required Yards

Architectural features may project into required yards or into courts as follows:

1. Into any required front or side yard adjoining a side street:
  - a. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
  - b. An open stair and necessary landing may project a distance not to exceed six (6) feet.
  - c. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
  - d. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
2. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
3. Subject to the limitations in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

G. Frontage on Cul-De-Sac

The front lot line of a lot fronting on a cul-de-sac may be reduced to less than the minimum frontage required, provided the average width of the lot and the width of the lot at the building line is equal to or more than said required frontage.

H. Location of rear dwellings in an "A" District

A rear dwelling in any "A" District shall conform to all yard, parking and driveway requirements of this Resolution for a principal dwelling in the district where it is located, and for the purpose of determining the front yard required in such case, the rear line of the rear yard required for the principal dwelling shall be considered the front line for the rear dwelling. In addition there shall be provided for any such rear dwelling an unoccupied or unobstructed access way of twenty (20) feet wide or wider.

**Section 6 Residential Entrance Gate Requirements** (Revised January 7, 2008)

- A. Residential entrance gates and accessory fencing are permitted in residential areas provided:
1. Gate is constructed of wrought iron or wrought iron "look alike" material. The space between the wrought iron must be open.
  2. The entrance gates, post and lighting may not exceed eight (8) feet in height. Landscaping and fencing must be placed outside the official thoroughfare plan right-of-way.)
  3. If accessory fencing extending from the main gate is of wrought iron material, then the accessory fence and post height may be up to five (5) feet.
  4. Gate and fencing must meet the Washington Township Fire Department standards and may not create a traffic visibility hazard for adjoining roadways and properties.
  5. The minimum lot size shall be eighty-thousand (80,000) square feet with a minimum road frontage of two-hundred (200) feet.
  6. A zoning certificate is required for the gate and accessory fencing.

**Section 7 Parking and Loading**

Two (2) off-street residential parking spaces of one hundred eighty (180) sq. ft. each shall be required for each dwelling unit and shall be located wherever a principal building or accessory building is permitted, and an improved driveway (graded and preferably a hard surface of bituminous or Portland cement concrete), shall connect said parking space with a street. Any driveway giving access on a street with a right-of-way of seventy (70) feet or more shall include an off-street cul-de-sac or turn around. All other off-street parking and loading requirements shall conform to the General Regulations.

**Section 8 Lighting**

All lighting shall be designed as to prevent a glare at eye level on surrounding public or private property in an area used for residential purposes.

**Section 9 Provisions affecting Area, Yards, and Courts**

A. Street Frontage Required

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel shall contain any building used in whole or in part for residential purpose unless the front line of such lot abuts fully on a dedicated street or an approved private street. Each lot shall meet the frontage requirements of the zoning district in which it is located.

B. Reduction and encroachment of open space

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution except as permitted under Open Space Transfer to the Park District, and, if already less than minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of yard, court, parking area or other space required under this Zoning Resolution, for another building or structure.

C. Lot of record

In any district where dwellings are permitted, a single family dwelling may be located on any lot of record as of the effective date of the Washington Township Zoning Resolution, irrespective of its area or dimensions, provided any one of the following conditions exist:

1. All front, side, and rear yard requirements of this Resolution are met.
2. A building permit for said dwelling has been properly granted by the Montgomery County Building Inspector prior to the enactment of this Resolution.
3. The Board of Zoning Appeals grants a variance in yard requirements.

D. Landscaping of yards in residential area

1. Grass and/or ground cover for any residential dwelling shall be completed within one (1) year of receiving the occupancy permit for that dwelling.
2. No automobile or truck shall be parked on such grass and/or ground cover in the front yard after the occupancy permit is issued.



This page intentionally left blank