

Section 303

R-S Residential-Sururban District

USES AND STRUCTURES

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Conditional Uses (See Section 1101) (Township Supervisors)
<ol style="list-style-type: none"> 1. Single family detached dwellings. (See 402) 2. Two-family dwellings, i.e. duplexes. (See 402) 3. Churches & places of worship 4. Government or municipal buildings or centers 5. Public or semi-public parks, playgrounds, or recreation areas (See 431) 6. Land cultivation activities (See 427) 7. Single family attached dwelling structures, i.e. townhouse structures (See 405) 8. Multi-family dwelling structures i.e. apartment buildings (See 406) 9. Multi-family housing developments (See 407) 10. Residential cluster developments (See 409) 11. Group homes (See 412) 12. Personal care homes (See 413) 13. Day care centers or group day care homes (See 414) 14. Bed and breakfast establishments (See 415) 15. Public or private schools. 16. Utility Supply Facilities (See 432) 17. Small Cell Wireless Facilities (See 444) (Ordinance 73, adopted January 3, 2022) 	<ol style="list-style-type: none"> 1. Uses & structures customarily incidental to an approved, principal use. 2. Swimming pools (See 433) 3. Home occupations (See 434) 4. Family day care homes or accessory 5. Signs (See 702) 6. Off-street parking and loading areas (See 800 & 801) 7. No impact home based business, pursuant to section 434k 8. Small Cottages (See 443) (Ordinance 72, adopted September 7, 2021) 	

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(Ordinance 41, Adopted April 1, 2014)

R-S Residential-Surburban District

LOT, YARD AND OPEN SPACE REQUIREMENTS

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1. Minimum Lot Area Per Principal Structure</p> <p>a. Individual On-lot Sewer and Water</p> <ol style="list-style-type: none"> 1) Single family detached dwellings and other Principal uses - 1 acre per dwelling unit or use 2) Two-family dwellings - 1/2 acre per dwelling unit. 3) Schools or churches - 2 acres <p>b. Community Sewer OR Public Water</p> <ol style="list-style-type: none"> 1) Single family detached dwellings and other Principal uses - 30,000 sq. ft. per dwelling unit or use 2) Conversion apartments or two-family dwellings - 15,000 sq. ft. per dwelling unit 3) Group homes or personal care homes - 50,000 sq. ft. + 1,000 sq. ft. per resident. 4) Schools or churches - 2 acres <p>c. Community Sewer AND Public Water</p> <ol style="list-style-type: none"> 1) Single family detached dwellings and other principal uses - 20,000 sq. ft. per dwelling unit or use. 2) Two-family dwellings - 10,000 sq. ft. per dwelling unit 3) Group homes or personal care homes - 20,000 sq. ft. + 1,000 sq. ft. per resident 4) Single family attached or multi-family dwelling structure - 1/2 acre per dwelling unit. 5) Multi-family housing or residential cluster developments - 10 acres <p>d. All lots must meet the requirements of the PA Sewage Facilities Act and all other applicable state and municipal sewer and water regulations. (Ordinance 06-06, adopted June 6, 2006)</p>	<ol style="list-style-type: none"> 1. Front Yard: 50 feet from road centerline of road or 25 feet from the edge of the closest right of way line, whichever is greater 2. Side Yards: 10 feet each side 3. Rear Yard: <ol style="list-style-type: none"> a. Principal Structure: 20 feet b. Accessory Structures: 10 feet 4. Land Cultivation Activities: Not within the clear sight triangle of any public street intersection. 	<ol style="list-style-type: none"> 2. Accessory Structures: 25 feet
<p>2. Minimum Lot Width:</p> <ol style="list-style-type: none"> a. Individual On-lot Sewer and Water - 150 feet b. Community Sewer OR Public Water - 125 feet c. Community Sewer AND Public Water <ol style="list-style-type: none"> 1) Single family detached dwellings and other Principal uses - 100 feet. 2) Single family attached dwellings - 24 feet per dwelling unit. 3. Maximum Building Coverage: 30% 4. Maximum Impervious Coverage: 40% 		

CHAPTER 27

ZONING

Part 2

Designation of Zoning Districts

§200. Designation of Districts. For the purpose of implementing the objectives of this Chapter, Kelly Township is hereby divided into the following zoning districts:

R-R	Residential-Rural District
R-S	Residential-Suburban District
R-U	Residential-Urban District
C-N	Commercial-Neighborhood District
C-H-M	Commercial-Highway Manufacturing District
I	Institutional District
A	Agricultural District
FF & FP	Flood Fringe and General Floodplain District (Overlying District)
FW	Floodway District

§201. District Purpose Statements.

A. R-R - Residential-Rural District. It is the intent of this district to set aside areas in the more rural portions of the Township where low density residential uses can logically be accommodated yet not interfere with nor encroach into the agricultural areas surrounding them. While public facilities and utilities are available in some portions of this zone, further extensions and public investments should only be pursued where such infrastructure is needed to correct potential health or safety problems, as a means of preserving the rural character of these areas. Multi-family or higher density residential uses are therefore not provided for this zoning district, nor are other potentially incompatible non-residential uses.

Farm is zoned here → B. R-S - Residential-Suburban District. This district is designed to provide an area within the Township where low to moderate density, single and multi-family residential development can be situated and a safe, family home environment can be promoted. Areas set aside for this zone include sections of the municipality where this type of development already exists and areas where further development of this nature could be located without creating conflicts with non-compatible land uses. Lot sizes in this district are based upon the need to safeguard the health of the residents and therefore require sufficient space be provided for the placement of on-site water facilities and sub-surface sewage disposal systems where municipal sewer and water are not available. Compatible public and semi-public uses, such as schools, churches, and recreational facilities are provided for in this zone, while commercial activities or other uses which would interfere with the district's purpose are discouraged.

C. R-U - Residential-Urban District. It is the intent of this zone to set aside areas where moderate to high density residential development can be situated in the Township, along with associated institutional, recreational and compatible neighborhood retail uses. This district includes the urban or more highly developed areas of the Township adjacent to or in the Village of West Milton, as well as some sections of the Mountain View

(including appropriate financial guarantees), and approvals under any County or Township ordinances.

N. In the event the landfill is found to be in violation of any other governmental regulations which require that the operations of the landfill shall cease, such action shall cause the Zoning Permit to be void and forfeited. No resumption of the landfill shall take place in such event unless and until the applicant submits and obtains approval of a new Zoning Permit application pursuant to the requirements of this Chapter and other municipal regulations in effect at the time that such new application is submitted.

§427. Agricultural Uses. All agricultural uses initiated after the effective date of this Chapter shall be subject to the following safeguards and regulations.

A. General Agricultural Use Regulations. The following general regulations shall apply to all agricultural or family farming uses, as appropriate.

1. Private gardens shall be permitted in all zoning districts.

2. The maintenance of livestock (including cattle, horses, pigs, etc.) and poultry may be authorized in the Residential Rural, Institutional, Agricultural, and any of the Floodplain Districts, as provided in the District Regulations. Commercial animal husbandry activities however may only be authorized in the Agricultural District and only as provided in the District Regulations. (See also Sub-Section B. below.) In the Residential Rural and Institutional Districts, livestock or poultry shall be limited to household pets or other animals intended for personal, domestic use.

3. In the Agricultural District, no hazardous materials, compost, manure or other similar storage shall be located closer than 100 feet to any occupied dwelling (other than the owner's residence), nor closer than 50 feet to any property line, stream, water body or wetland area.

4. For the purposes of this Chapter, the first building constructed on a farm in the Agricultural District which is devoted to agricultural use will be considered to be the principal structure on the tract, and any subsequently constructed buildings on the same parcel which are associated with agricultural operations will be considered to be accessory structures. No land development approval will be required for the addition of such accessory structures.

5. All waste storage ponds, waste storage structures (including waste storage tanks and waste stacking facilities), and waste treatment lagoons established after the effective date of this Chapter shall be planned, designed, constructed, operated and maintained in accordance with all applicable Federal and State standards and specifications.

6. To avoid potential safety problems, cultivation activities shall not be located within the clear sight triangle of any public street intersection.

Not in an Agricultural District...

7. Nothing contained in this Chapter shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

B. Concentrated Animal Operation Regulations. Concentrated animal operations (CAO) may only be permitted in an Agricultural District, and all new or expanded CAO's shall require Conditional Use approval from the Township Supervisors prior to the issuance of a Zoning Permit for the activity. In addition, all applications for CAO's shall satisfy the following criteria.

1. All concentrated animal operations shall meet the requirements set forth in the final draft of the PA Nutrient Management Regulations, as approved by the PA Nutrient Management Board on December 11, 1996, or as may hereafter be adjusted and adopted by the State Conservation Commission, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.

2. All applications to the Township for new or expanded concentrated animal operations shall include the following information:

a. a detailed, written description of the type and size of operation being proposed;

b. a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence); and

c. a copy of the applicant's Nutrient Management Plan, reviewed and approved by the Union County Conservation District, the State Conservation Commission, or their designated agent.

C. Subdivision of Land In The Agricultural Zoning District. Consistent with the Governor's Agricultural Land Preservation Policy, issued on October 14, 1997, it is the intent of these regulations to preserve and protect the Township's valuable agricultural lands from irreversible conversion to uses other than agricultural. Such conversion would result in permanent loss of said agricultural lands as an environmental and essential food and fiber resources. In accordance with the above stated policy the following regulations shall apply to the subdivision the lands within the Agricultural Zoning District.

a. No tract of land situate in the Agricultural Zoning District shall be subdivided where the lots or tracts subdivided (including the residual tract) do not comply with all provisions of Kelly Township Zoning Ordinance and in particular the minimum and/or maximum lot or tract size.

b. No more than 10% or 10 acres, whichever is less, of a tract of land situate in the Agricultural Zoning District may be converted to non-agricultural uses. For purposes of determining the amount of land that may be converted to non-agricultural uses the size of the tract of

land shall be as it existed on March 1, 1998, the date of the adoption of the initial regulations restricting the conversion of land to non-agricultural uses. All contiguous tracts of land in the same ownership shall be treated as one tract of land notwithstanding the fact that the tracts were acquired at different times, by different deeds, have different tax parcel numbers or are separate by bodies of water or streets.

c. Notwithstanding the provisions set forth herein any tract of land situate in the Agricultural Zoning District containing less than 10 acres as of March 1, 1998, may be subdivided and converted to non-agricultural uses without regard to the provisions of this section, provided the said subdivision and conversion is in compliance with all other provisions of Kelly Township Zoning Ordinance and applicable local, state and federal ordinances, laws, statutes, rule, regulations and codes.

d. A tract of land situate in the Agricultural Zoning District may be subdivided to add a portion of the tract to an adjacent tract provided all parcels of land resulting from the subdivision, including the adjacent tract, are in compliance with the provisions of the Kelly Township Zoning Ordinance. If the adjacent tract is nonconforming prior to the subdivision the subdivision may be made if the adjacent tract, when combined with the add on tract, is still nonconforming provided it is less nonconforming and all other tracts are in compliance with the provisions of the Kelly Township Zoning Ordinance.

e. All subdivision plans for lands in the Agricultural Zoning District shall, in addition to the information required by the Kelly Township Subdivision and Land Development Ordinance, include the following information:

1. The size of the tract of land as of March 1, 1968.
2. The amount of land conveyed from the tract from March 1, 1968, to the date of the plan, and the date of each conveyance as well as recording information and the current use of the land conveyed.
3. The total amount of land that may be conveyed for non-agricultural purposes in accordance with the then current provisions of the Kelly Township Zoning Ordinance.
4. The amount of land remaining that can be conveyed for non-agricultural purposes from the tract in accordance with the then current Kelly Township Zoning Ordinance.
5. The location of the land remaining for future non-agricultural subdivision and location clearly marked "Future locations of non-agricultural subdivision-not for approval".
6. When subdividing a tract of land in the Agricultural Zoning District for non-agricultural uses the following criteria shall apply:
 - a. All lots shall be contiguous to each other and where possible use a common access.

b. All lots shall front on and have access to an existing public or private road.

c. The lots shall be located on the least desirable agricultural lands.

d. The lots shall be located and subdivided in such manner as to be least disruptive of the use of the remaining land for agricultural purposes.

7. The allocation of the acreage available for non-agricultural development.

f. This Section 427C shall not apply to PSES installation, provided, the area utilized for PSES is not subdivided and ownership is transferred.

(Ordinance No. 66, adopted October 6, 2020)

(Ordinance 06-06, adopted June 6, 2006)

§428. Roadside Stands. Temporary or permanent roadside stands or shelters shall meet the following criteria:

A. Temporary stands shall not exceed 400 square feet in size and shall be removed during the time when not in use for the sale or display of products;

B. Two (2) additional off-street parking spaces shall be provided where a roadside stand is established;

C. Temporary stands shall be located at least 10 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection, and permanent stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located; and,

D. Zoning Permits for temporary roadside stands shall be renewed annually. There shall however be no charge for the renewal of these Seasonal Zoning Permits.

(Ordinance 06-06, adopted June 6, 2006).

§429. Seasonal Dwellings. Seasonal dwellings may be permitted only in those zoning districts as specified in Part 3, the District Regulations. In addition, every such structure shall meet the requirements outlined below.

A. For the purposes of this Chapter, seasonal dwellings shall be construed to mean permanent structures used only periodically during the year. Such use may include shelter during hunting and fishing seasons, private vacation and/or weekend or holiday uses, or other similar periodic visits at any time of the year.

B. No buses, trucks, or similar vehicles shall be permitted as seasonal dwellings. Recreational vehicles, campers, travel trailers, motor homes, or similar units may be used for temporary purposes for a period of time not exceeding 180 days in any calendar year and must be removed from the

CHAPTER 27

ZONING

Part 6

Supplementary Floodplain Management Regulations

§600. General Provisions.

A. Purpose. The purpose of these provisions is to:

1. Promote the general health, welfare and safety of the community;
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
3. Minimize danger to public health by protecting water supply and natural drainage; and
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

B. Interpretation of District Boundaries. Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence if he so desires.

C. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain districts, or that land uses permitted within such areas, will be free from flooding or flood damages.

(Ordinance 06-06, adopted June 6, 2006)

D. This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other chapter provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

(Ordinance 10, adopted September 4, 2007)

§601. Basis For Floodplain Districts.

A. Identification. The identified flood plain area shall be those areas of Kelly Township, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 28, 2007, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data sources. Any reference to data or datum in this Part 6 shall mean the data or datum on the effective maps.

(Ordinance 10, September 4, 2007)

For the purposes of this Chapter, the Flood Fringe and General Floodplain Districts shall be overlays to the existing underlying districts as shown on the Township's Official Zoning Map. As such, the provisions for these districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

B. Description of Floodplain Areas. The identified floodplain shall consist of the following specific areas:

1. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway area which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
(Ordinance 10, September 4, 2007)

2. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.