

- (a) The use shall meet the definition in § 246-20.
- (b) The accessory unit shall be occupied by a maximum of two persons, who shall be relatives of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
- (c) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a unit for care of a relative, and then be reconvered to a garage or permitted home occupation area.
- (d) The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- (e) The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
- (f) Such accessory unit shall not decrease the one-family residential appearance of a one-family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit.
- (g) Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

## ARTICLE V

### Environmental Protection

#### § 246-36. Erosion control.

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the County Conservation District.
- C. See state erosion control regulations. (Note: As of 2003, in 25 PA. Code Chapter 102.)

- D. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

**§ 246-37. Nuisances and hazards to public safety.**

- A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
- (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - (2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - (3) Pollution to groundwaters or surface waters, other than as authorized by a state or federal permit.
  - (4) Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
  - (5) Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
- C. Right-to-know. Uses storing or utilizing hazardous materials shall comply with the state Right-to-Know Law,<sup>58</sup> including providing written notifications to local fire companies.

**§ 246-38. Wetlands.**

See § 246-28.

**§ 246-39. Flood-prone areas (floodplains).**

- A. Chapter 141, Floodplain Management, as amended, shall apply. However, if specific provisions of this chapter and Chapter 141 conflict in regards to the same matter, the most restrictive provision upon development shall apply.
- B. Unstudied flood-prone areas. Where the Township Engineer has reason to believe that land along a waterway or drainage swale may be subject to a 100-year flood, and the applicable length of the waterway or drainage swale was not studied as part of the official 100-year floodplain study, then the Zoning Officer shall require an applicant for development that would alter such land to provide a floodplain study.

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58. Editor's Note: See 65 P.S. § 67.101 et seq.

- (1) The floodplain study shall be prepared by a qualified licensed/registered professional and shall be based upon generally accepted methodology to determine the extent of a 100-year floodplain.
  - (2) Within any areas that the floodplain study determines to be subject to 100-year flooding, the regulations of the 100-year floodplain shall apply, as stated in Chapter 141, Floodplain Management.
- C. Building prohibition. No principal building shall be constructed, erected or otherwise placed within the 100-year floodplain.

**§ 246-40. Noise.**

- A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/District				
Land Use or Zoning District Receiving the Noise	Hours/Days		Maximum Sound Level	
	At a lot line of a residential use in a residential district	1)	7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1)
2)		9:00 p.m. to 7:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Labor Day and Memorial Day	2)	55 dBA
At any other lot line	All times and days		70 dBA	

**NOTE:** "dBA" means "A" weighted decibel.

- B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
- (1) Sound needed to alert people about an emergency.
  - (2) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.

- (3) Household power tools and lawnmowers between the hours of 8:00 a.m. and 9:00 p.m.
- (4) Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
- (5) Public celebrations specifically authorized by the Board of Supervisors or a county, state or federal government agency or body.
- (6) Unamplified human voices or the sound of a single animal.
- (7) Routine ringing of bells and chimes by a place of worship or municipal clock.
- (8) Vehicles operating on a public street, railroads and aircraft.

**§ 246-41. Odors and dust.**

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

**§ 246-42. Control of light and glare.**

- A. Streetlighting exempted. This section shall not apply to streetlighting that is owned, financed or maintained by the Township or the state.
- B. Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of a principal residential use or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
- C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for nonadvertising seasonal lights between October 20 and January 10.
- F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 footcandle inside a lot line of an existing principal residential use. Exterior lighting shall not cause a nighttime spillover of light that exceeds six horizontal footcandles onto a street.
- G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light source is not directly visible from beyond the property.