
ZONING ORDINANCE

BUSHKILL

TOWNSHIP

NORTHAMPTON COUNTY, PENNSYLVANIA

Adopted by the Bushkill Township
Board of Supervisors on July 19, 2012.

BUSHKILL TOWNSHIP ZONING ORDINANCE
CONTENTS

	<u>PAGE</u>
Article 1 General Provisions and Administration	1-1
100. Purposes and Objectives.....	1-1
101. Applicability.....	1-1
102. Enforcement; Violations and Penalties	1-2
103. Filing Fees and Costs.....	1-2
104. Interpretation and Similar Uses.....	1-2
105. General Procedure for Permits	1-3
106. Permits and Certificates.....	1-3
107. Amendments to this Ordinance	1-9
108. Curative Amendments	1-11
109. Zoning Officer	1-11
110. Zoning Hearing Board Actions and Variances.....	1-12
111. Board Hearings and Decisions	1-16
112. Appeals.....	1-19
113. Public Utility Exemptions	1-19
114. Liability	1-19
115. Site Plan Requirements.....	1-19
116. Procedures for Conditional Use.....	1-21
117. Procedures for Special Exception Uses.....	1-22
Article 2 Definitions	2-1
200. General Interpretation.....	2-1
201. Terms Defined.....	2-1
Article 3 Districts	3-1
300. Districts Designated.....	3-1
301. Application of District Regulations.....	3-1
302. Zoning Map	3-2
303. District Boundaries.....	3-2
304. Setbacks Across Municipal Boundaries	3-3
Article 4 RC - Rural Conservation District	4-1
400. Purpose.....	4-1
401. Use Regulations.....	4-1
402. Uses Permitted by Right.....	4-1
403. Permitted Conditional Uses.....	4-1
404. Uses Permitted by Special Exception.....	4-2

Contents (Cont.)

	<u>Page</u>
405. Accessory Uses.....	4-2
406. Lot Area, Width, Building Coverage and Height Regulations.....	4-7
407. Minimum Yard Requirements.....	4-9
408. Appalachian Trail Setback.....	4-9
409. Exception to Minimum Lot Areas.....	4-9
Article 5 RR - Rural Residential District	5-1
500. Purpose.....	5-1
501. Use Regulations.....	5-1
502. Uses Permitted by Right.....	5-1
503. Permitted Conditional Uses.....	5-1
504. Uses Permitted by Special Exception.....	5-2
505. Accessory Uses.....	5-2
506. Lot Area, Width, Building Coverage and Height Regulations.....	5-2
507. Minimum Yard Requirements.....	5-4
Article 6 V - Village District	6-1
600. Purpose.....	6-1
601. Use Regulations.....	6-1
602. Uses Permitted by Right.....	6-1
603. Permitted Conditional Uses.....	6-2
604. Uses Permitted by Special Exception.....	6-2
605. Accessory Uses.....	6-3
606. Lot Area, Width, Building Coverage and Height Regulations.....	6-6
607. Minimum Yard Requirements.....	6-7
608. Site Plan Review.....	6-7
Article 7 GC/I - General Commercial/ Industrial District	7-1
700. Purpose.....	7-1
701. Use Regulations.....	7-1
702. Uses Permitted by Right.....	7-1
703. Permitted Conditional Uses.....	7-3
704. Uses Permitted by Special Exception.....	7-3
705. Accessory Uses.....	7-4
706. Lot Area, Width, Building Coverage and Height Regulations.....	7-4
707. Minimum Yard Requirements.....	7-6
Article 8 Commercial Communications Towers and Antennas	8-1
800. Purpose.....	8-1

Contents (Cont.)

	<u>Page</u>
801. Definitions	8-1
802. District Requirements	8-2
Article 9 Natural Resource Protection	9-1
900. Purpose	9-1
901. Application Requirements	9-1
902. Flood plains	9-1
903. Wetlands	9-9
904. Streams, Watercourses, Lakes or Ponds.....	9-11
905. Riparian and Wetland Buffers.....	9-13
906. Steep Slopes.....	9-16
907. Woodlands.....	9-21
Article 10 General Regulations	10-1
1000. Lot Area, Lot Width and Height Regulations	10-1
1001. Driveways.....	10-3
1002. Establishment of Future Rights-Of-Way Widths for Streets.....	10-4
1003. Street Frontage Development	10-5
1004. Grading.....	10-6
Article 11 Performance Standards	11-1
1100. Noise	11-1
1101. Vibration.....	11-1
1102. Explosive and Hazardous Substances and Other Hazards	11-1
1103. Sewage Disposal.....	11-2
1104. Agricultural Utilization or Other Land Application of Septage, Sewer Septage or Other Waste Material	11-3
1105. Odors, Dust, Air and Water Pollution, Radioactivity, Electrical Disturbances and Glare	11-6
1106. Buffer Yards	11-7
1107. Drainage and Maintenance Obstructions; Fences	11-8
Article 12 Single Family Cluster Developments	12-1
1200. Purpose	12-1
1201. Applicability; Reduction of Lot Requirements	12-1
1202. Water and Sewage Disposal for Cluster Developments.....	12-2
1203. Open Space Areas.....	12-3
Article 13 Nonconformities	13-1

Contents (Cont.)

	<u>Page</u>
1300. Definitions	13-1
1201. Continuation of a Nonconformity	13-1
1302. Expansion Of, Construction Upon or Change in Use of Nonconformities	13-1
1303. Damaged or Destroyed Nonconformities	13-3
1304. Abandonment of a Nonconformity	13-3
1305. Changes from One Nonconforming Use to Another	13-3
1306. District Changes	13-4
1307. Voluntary Registration of Nonconformities	13-4
1308. Signs for Non-conforming Uses	13-4
 Article 14 Signs	 14-1
1400. Scope and Applicability	14-1
1401. Construction	14-1
1402. Location of Signs	14-1
1403. Height	14-1
1404. Number Permitted	14-1
1405. Illuminated Signs	14-2
1406. Removal	14-2
1407. Temporary Signs	14-2
1408. Group Commercial Developments	14-2
1409. Promotional Devices	14-3
1410. Vehicles	14-3
1411. Farm Products	14-3
1412. Silos, Smoke Stacks and Towers	14-3
1413. Signs Prohibited in All Zones	14-3
1414. Signs for Nonconforming Uses	14-3
1415. Outdoor Advertising Sign/Billboard	14-4
1416. Electronic Changeable Copy Sign	14-5
1417. Summary of Sign Area Regulations	14-6
 Article 15 Off-street Parking and Loading	 15-1
1500. Required Off-Street Parking Spaces	15-1
1501. General Regulations Applying to Required Off-Street Parking	15-7
1502. Design Standards for Off-Street Parking Facilities	15-8
1503. Off-Street Loading	15-10
1504. Buffering and Landscaping of Parking Areas	15-11
 Article 16 Additional Requirements for Specific Uses	 16-1
1600. Purpose	16-1

Contents (Cont.)

Page

1601. Conditions for Conditional Uses and Special Exceptions.....	16-1
1602. Additional Requirements for Specific Uses	16-2

Appendix A Permitted, Special Exception and Conditional Use Land Uses

Appendix B Hydric Soils of Northampton County

Appendix C Wetland Plant List

Zoning Map

ARTICLE 1

GENERAL PROVISIONS AND ADMINISTRATION

100. PURPOSES AND OBJECTIVES. This Ordinance is hereby adopted:

- A. In accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended;
- B. In accordance with the goals and objectives (which shall serve as the Community Development objectives of this Ordinance and which are included by reference) of the Nazareth Area 2030 Multimunicipal Comprehensive Plan of 2006 (as may be amended), which constitutes an overall program;
- C. To conserve and preserve important natural resources including wetlands, vernal ponds, forests, woodlands, creek valleys and steep slopes;
- D. To avoid Township General Fund expenditures for public sewage systems, public water systems, stormwater management facilities, curbs, sidewalks or street lighting;
- E. In consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures; and
- F. To assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA Floodplain Management Act, PA Storm Water Management Act, PA DEP regulations on erosion and sedimentation control, PA Dept. of Transportation regulations on highway access control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.
- G. To preserve important historical and cultural resources including the Appalachian Trail, Jacobsburg Historical District, Jacobsburg State Park, farms, and mills.

101. APPLICABILITY.

- A. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.
- B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA Municipalities Planning Code or such successor section. Specifically, this Ordinance regulates the following:
 - 1. the location, height, bulk and size of buildings and other structures;
 - 2. the relation of such buildings or structures to roads and highways, their

intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places, and to floodplains;

3. the percentage of a lot that may be occupied, the size and use of yards, courts and other open spaces;
 4. the density and distribution of population; and
 5. the uses of buildings, structures and land for trade, industry, residents and other purposes.
- C. All readers maintain the responsibility to procure the latest amendments to this Ordinance.
- D. Municipally owned or operated facilities shall be exempt from compliance with the standards of this Ordinance.

102. ENFORCEMENT, VIOLATIONS AND PENALTIES.

- A. Any person who violates this Ordinance shall be liable on conviction thereof to a civil judgment not exceeding \$500 plus costs and attorney fees incurred by the Township. In case the defendant fails to pay or to appeal the judgment in a timely manner, the Township may enforce the judgment pursuant to applicable rules of civil procedure. Each day the violation continues shall constitute a separate violation; unless it is determined that a good faith basis existed for the violation in which case there shall be deemed only one violation until the fifth day following the violation; thereafter each day shall constitute a separate violation.
- B. See Sections 616 and 617 of the PA Municipalities Planning Code regarding enforcement proceedings and notices.

103. FILING FEES AND COSTS. The Board of Supervisors has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance. The fee schedule may be based upon the type of application and the breath of the proposed development (such as acreage, numbers of lots and type of use) to most accurately reflect the Township's actual costs. No application or appeal shall be considered filed until all fees are paid.

104. INTERPRETATION AND SIMILAR USES.

- A. Minimum Requirements. The provisions of this Ordinance shall be interpreted as the minimum requirements to promote public health, morals, safety and general welfare. Where a provision of this Ordinance differs or conflicts with any other provision of this Ordinance or any other ordinance, regulation or law, the provision that is more restrictive upon uses and structures shall apply.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Ordinance within any Zoning District, the use is

prohibited in the Township, except the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such use if the applicant proves all of the following to the satisfaction of the Zoning Hearing Board:

1. that the use would clearly be less offensive in impacts and nuisances than uses permitted in that district,
 2. that the use would be compatible with permitted uses in that District,
 3. that the proposed use would be compatible with the purposes of the district,
 4. that the use can meet the general criteria for special exceptions listed in Section 1601, and
 5. that the use is not "specifically prohibited" in the District.
- C. Sketches. Sketches in this Ordinance are for illustrative purposes only and are not regulatory.
- D. Interpretation of Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. The Zoning Officer may also request an advisory non-binding opinion from the Township Solicitor or the Zoning Hearing Board Solicitor.
- E. Definitions. In matters of dispute, the Zoning Hearing Board shall have the authority to define words that are not specifically defined in this Ordinance.

105. GENERAL PROCEDURE FOR PERMITS.

- A. After receiving a proper application, the Zoning Officer shall either 1) issue the permit under this Ordinance or 2) refuse the Permit indicating the reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing.
- B. Reviews. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. See Article 16 and the District regulations.
- C. Appeal. If refused a Permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
- D. After the permit under this Ordinance has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance, within other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

106. PERMITS AND CERTIFICATES.

- A. Applicability. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out after receipt of any required approval or permit and in compliance with this Ordinance:
1. Erection, construction, movement, placement or extension of a structure, building or sign,
 2. Change of the type of use or expansion of the use of a structure or area of land,
 3. Creation of a lot or alteration of lot lines,
 4. Creation of a use,
 5. Movement of earth on a site, other than for routine crop farming, home gardening or septic system work, and/or
 6. Demolition or removal of a structure greater than 500 square feet.
- B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not infringe upon a required setback may be made without a permit under this Ordinance, if such work does not involve a change in use or an expansion, construction or placement of a structure and does not involve any other activity regulated by this Ordinance.
- C. Types of Uses.
1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance, including any specific additional requirements listed for that use in Article 16.
 2. Special Exception Use or Use Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
 3. Conditional Use. A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.
- D. Applications and Plot/Grading Plans.
1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to a Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
 2. Five copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board, and 4 copies shall be submitted if action by the Board

is not required. Such site plan shall be drawn to scale.

3. Plot/grading Plan Requirement. Prior to the issuance of a building permit or commencement of use for a non-residential principal structure, accessory structure, or addition, or residential principal structure or addition greater than 1,000 square feet, or a residential accessory structure greater than 1,000 square feet, or an in-ground swimming pool, or a non-residential principal use, the applicant shall submit to the Township Zoning Officer for review and approval, 4 copies of a final plot, grading and erosion and sedimentation control plan drawn at a scale of 1"=20'. The plan shall contain the information listed below along with any other appropriate data. See also Section 115, "Site Plan Review".
 - a. A grading plan to divert surface runoff away from principal buildings, driveways, walkways and on-lot sewage disposal systems without directing increased runoff onto sensitive neighboring parcels. In the case where basic grading provisions have been defined during site plan or subdivision plan approval, the lot specific grading plan shall conform to said basic grading provisions insofar as practicable.
 - b. A required plot/grading plan shall include the following information, unless the Zoning Officer determines in advance that such information is not relevant:
 - 1) All lot lines defined by bearings and distances or curve data.
 - 2) Existing and proposed contour elevation lines at maximum intervals of 2 feet.
 - 3) Spot elevations for the first floor level of any structure, adjacent to any door, window opening to grade or Bilco-style basement door, primary and secondary on-lot sewage disposal systems, finished street elevations at point of entry. Finish drive elevations at point of intersection of centerlines, intersection with gutters and at maximum of 50 feet intervals (and any other area as deemed necessary by the Township Engineer).
 - 4) Bench mark.
 - 5) North reference, easements and rights-of-way within or adjacent to the subject property.
 - 6) Location, size and elevations of all existing or proposed storm drainage structures or swales within or adjacent to the subject property.
 - 7) Lot numbers of all adjoining lots and names of adjoining street(s).
 - 8) Locations of all percolation test holes, soil probes and wells, and the location and dimensions of primary and secondary on-lot sewage disposal systems with isolation distances.
 - 9) The exact location and dimensions of any proposed structure, appurtenant structure, road or driveway, with tie-in dimensions to property lines.
 - 10) Building footprint with all wall dimensions necessary to lay-out the shape of the building. Street cartway and right-of-way lines shall be

shown and dimensioned. For corner lots, a dimension shall be given from the centerline of the proposed driveway to the centerline of the parallel street and the clear sight triangle easement shall be shown.

11) Location, size and detailed calculations of dry wells, leach areas or other stormwater control measures.

12) Erosion and sedimentation control measures and sequence of operations.

13) Engineer's or Surveyor's seal.

14) Any type of basement pump or foundation drainage system shall be noted on the plan. Any such system shall be designed to drain in a way that: avoids erosion of shoulders of roads, prevents increased drainage onto public roads and that avoids drainage problems for neighboring properties. Four copies of any calculations, designs and methods for handling any such discharged water shall be submitted with the Plot and Lot Grading Plan.

15) All areas of natural features including, but not limited to, floodplains, wetlands, waterways, riparian and wetland buffers, woodlands, and steep slopes.

c. A plan showing existing and proposed stormwater management facilities. If new stormwater management facilities are proposed, the engineering calculations used to design those facilities shall also be provided.

4. Accessory Structures and Uses. Any application for an accessory structure or use shall include the applicable information on Township application forms, unless determined by the Zoning Officer to be unnecessary to determine compliance with this Ordinance. For home occupation site plans, see Section 1602.X and Y.

5. See Section 1000.L. which prohibits septic systems in easements.

6. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Ordinance:

- a. the present zoning district and major applicable lot requirements,
- b. a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, traffic (including description of any traffic by large trucks), glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
- c. if a non-residential use is proposed within 100 feet of a dwelling, a description of hours of operation,
 - d. a listing of any sections of this Ordinances being appealed, with the reasons for any appeal.

7. Other Laws. The Zoning Officer may delay the issuance of a permit under this Ordinance if he/she has reason to believe that such a use would violate another Township, State or Federal law or regulation until such compliance is proven by the applicant. See Section 903 concerning wetlands.
 8. Ownership. No person other than a landowner or their agent (with specific written authorization) or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).
 9. Additional Reviews. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the County Conservation District, utilities or Township Engineer) for review and comment, with costs of such review being paid by the applicant.
- E. Issuance of Permit.
1. At least 3 copies of any permit required under this Ordinance shall be made.
 2. One copy of any such permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request. One copy of a submitted site plan should be returned to the applicant after approval/disapproval, with such action certified on the plan with the signature of the Zoning Officer.
 3. The Zoning Officer should issue or deny a permit for a permitted by right use within a maximum of 90 days after a complete, duly filed application and fees are submitted.
 4. Where the Zoning Officer or Township Engineer determine that there is evidence that there may be wetlands, streams, riparian buffers, ponds, lakes, and/or vernal ponds on a proposed development site, the Zoning Officer may suspend, withdraw or delay Township Zoning Permits until the applicant provides evidence from a qualified professional that such feature does not exist or that such action will comply with applicable Federal and State permit requirements.
- F. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:
1. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.) or

2. upon violation of any condition lawfully imposed upon a special exception or conditional use or
3. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application or
4. for any other just cause set forth in this Ordinance.

G. Temporary Permit. See Section 405.B.

H. Changes to Approved Plans.

1. After the issuance of a permit and/or approval of a site plan under this Ordinance by the Township, such approved application and/or site plan shall not be changed in any way without the written consent of the Zoning Officer.
2. Changes to a site plan approved by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such board. Such approval by the Hearing Board or the Supervisors is not required for minor technical adjustments or corrections of information that do not affect the features of the site plan and the intensity of the use, as determined by the Zoning Officer.

I. Certificate of Use and Occupancy (or "Occupancy Permit").

1. A Certificate of Use and Occupancy shall be required by the Township upon completion of work for new construction or a change in a principal use, or as otherwise authorized by Township Ordinances. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued.
2. An application for such Certificate shall be made on an Official Township form by the owner of the property. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued within 20 days of a properly submitted and duly filed application.
3. The designated Township Staff person(s) should inspect such structure or land related to an application for such Certificate. If he/she determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, and any applicable Court decision known to such staff person, then he/she shall issue the Certificate of Use and Occupancy.
4. A copy of the final septic system inspection certificate must be provided.

5. The property owner must provide a letter from a registered professional engineer or professional land surveyor that the construction on the property, including grading, was performed in accordance with the site plan and/or land development plan.

J. Construction Permit.

1. Local enforcement option. Bushkill Township elects not to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999. Administration and enforcement of Act 45 must be handled through private inspection agencies for any activities that require Pennsylvania Construction Code approval.
2. Adoption of standards. The Uniform Construction Code, contained in 34 PaCode, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Bushkill Township.
3. Effect on prior provisions.
 - a. All building code ordinances and portions of ordinances, which equal or exceed the requirements of the Code, shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended.
 - b. All building code ordinances and portions of ordinances which are in effect as of the effective date of this chapter, and whose requirements are less than the minimum requirements of the Code are hereby repealed.
 - c. All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.

K. Emergency Vehicle Access.

1. Permit. If the Zoning Officer has reason to believe that a proposed new principal building would not have adequate access for fire trucks and emergency medical vehicles, then the Zoning Officer may (but is not required to) delay the issuance of a permit under this Ordinance until the applicant proves that such access is adequate.
2. Review. The Zoning Officer may request an opinion from the applicable fire and ambulance services. Such review should consider approximate weight limits, width and height clearance, slope and turning radius. For a non-residential principal building, a paved or stoned driveway should provide access to all sides of the building.
3. However, the Township does not attempt to and cannot guarantee that adequate emergency access will be available to all buildings, especially in adverse weather.

107. AMENDMENTS TO THIS ORDINANCE.

- A. The Board of Supervisors may amend, challenge, or repeal any or all portions of this Ordinance on 1) its own motion or 2) upon agreeing to hear a written request of any person, entity or the Planning Commission.
- B. No zoning amendment shall be enacted without a public hearing pursuant to public notice as defined by the PA Municipalities Planning Code. In addition, notice of a zoning map amendment shall be conspicuously posted by the Township on the subject property at least one week prior to the date of the hearing.
- C. Legal Notice of Amendments. See Sections 609 and 610 of the PA Municipalities Planning Code, especially including Sections 610(1) and (2).
- D. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- E. Review of Amendments.
 - 1. In the case of an amendment other than that prepared by or under the direction of the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment and permit the Commission an opportunity to provide recommendations.
 - 2. LVPC Review. The Township shall submit the proposed amendment to the Lehigh Valley Planning Commission (LVPC) for recommendations at least 30 days prior to the hearing on such proposed amendment. No action shall be taken by the Board of Supervisors until any LVPC comments are received, unless 30 days pass without such comments being received.
- F. Application for Ordinance Amendment. Any request for amendment of the Zoning Ordinance (including supplement, change, repeal and/or curative amendment) by any person or entity (other than the Township Staff, Planning Commission, Board of Supervisors or committee appointed by the Board of Supervisors or under the direct oversight of such entity) shall include the following:
 - 1. A statement of why the change would be in the best interests of the Township;
 - 2. A statement of how the proposal will relate to the Township Comprehensive Plan;
 - 3. A statement addressing any adverse affects on adjacent residences;

4. A statement addressing any major traffic access or congestion concerns;
5. A map showing the proposed boundaries of any proposed map changes, the existing zoning of the land and of adjacent lands and the current uses of adjacent lots; and
6. A statement explaining proposed extensions and major improvements, if needed, of public water and sewer systems to serve the land area.

G. Traffic Impacts of Zoning Amendments. The Planning Commission or the Board of Supervisors may require an applicant for a zoning amendment (including but not limited to a curative amendment) to fund a traffic impact study following standard methods and completed by a qualified traffic engineer. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases from the proposed amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development.

H. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Township officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Township official to contact for more information. Such notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned. The private entity shall be responsible for all costs related to the proposed amendment.

108. CURATIVE AMENDMENTS.

- A. Submittal. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that this challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code.
- B. Curative Fees. For a curative amendment request, the applicant shall pay the Township all fees required under the applicable Township fee schedule, and at an absolute minimum, shall compensate the Township for all actual expenses for legal advertising.

109. ZONING OFFICER.

- A. Appointment. The Zoning Officer(s) shall be appointed by the Township Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices other than on the Planning Commission or Zoning Hearing Board.
- B. Duties and Powers. The Zoning Officer shall:

1. administer the Zoning Ordinance;
2. receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance;
3. receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance;
4. keep records of applications, permits, certificates, written decisions and interpretations issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued; and make all required inspections and perform all other duties as called for in this Ordinance;
5. not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township;
6. determine if the application under this Ordinance is complete, and return the application to the applicant if the application is not complete.

C. Conditional and Special Exception Use Procedures. See Article 16.

110. ZONING HEARING BOARD ACTIONS AND VARIANCES.

A. Appointment and Terms.

1. The membership of the board shall, upon the determination of the governing body, consist of either 3 or 5 residents of the municipality appointed by resolution by the governing body. The terms of office of a 3 member board shall be 3 years and shall be so fixed that the term of office of 1 member shall expire each year. The terms of office of a 5 member board shall be 5 years and shall be so fixed that the term of office of 1 member of a 5 member board shall expire each year. If a 3 member board is changed to a 5 member board, the members of the existing 3 member board shall continue in office until their term of office would expire under prior law. The governing body shall appoint 2 additional members to the board with terms scheduled to expire in accordance with the provisions of this section. The board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the municipality nor shall any member be an employee of the municipality.
2. The governing body may appoint by resolution at least 1 but no more than 3 residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of Section 906 of the PA Municipalities Planning Code (MPC), an

alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the municipality. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 907 of the MPC unless designated as a voting alternate member pursuant to Section 906 of the MPC.

- B. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Removal of Members. See Section 905 of the PA Municipalities Planning Code.
- D. Organization.
 - 1. Officers. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 - 2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA Municipalities Planning Code.
 - 3. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.
- E. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:
 - 1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Ordinance.
 - b. See time limitations for appeals in Section 110.F.
 - 2. Challenge to the Validity of the Ordinance or Map.
 - a. The Board shall hear challenges to the validity of this Ordinance filed with the Board in writing by the landowner affected, any officer or agency of

- the Township, or any person aggrieved.
- b. After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA Municipalities Planning Code.
3. Variance.
 - a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
 - b. Standards. The Board may grant a variance only within the limitations of State law. (As of 1994, the PA Municipalities Planning Code provided that all of the following findings must be made, where relevant in a given case:
 - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - iii) Such unnecessary hardship has not been created by the appellant;
 - iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Board may in variance cases prohibit certain otherwise permitted uses on a lot where the Board finds that such uses would be contrary to the public interest considering the facts and circumstances of the case and the variance.
4. Special Exception Uses.
 - a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the

permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance and the procedures in Article 16.

- b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Hearings. See Section 111.
6. Records and Reports. The staff to the Board shall keep full public records of its business.
7. Court Appeals. In the case of an appeal from the Board to the Court of Common Pleas, the Appellant shall make the return required by law, and should promptly notify the Township Zoning Hearing Board Solicitor of such appeal.
8. Appeal by the Zoning Officer. See Section 104.D.

F. Time Limitations for Appeals. The time limitations for appeals shall be as follows:

1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under Section 914.1 of the PA Municipalities Planning Code.
2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
3. This 30 day time limit for appeals shall not apply to revocation of a permit for good cause by the Township, such as under Section 106.F.

G. Stay of Proceedings. See Section 916 of the PA Municipalities Planning Code.

H. Time Limitations on Permits and Variances.

1. See permit requirements in Section 106.A.
2. Work on activity requiring a permit under this Ordinance shall begin within 6 months after the date that such permit is issued.
3. A Zoning Permit shall have an initial life of 1 calendar year from the day the Zoning Officer issues the permit. Failure to receive the permit within the specified period(s) of time shall make any accompanying approvals null and void.
4. For work that extends beyond a year, the applicant shall be responsible for requesting a renewal of the Zoning Permit. This request shall be made to the Zoning Officer at least 45 days prior to the expiration of the Zoning Permit.

5. After any written decision by the Board of Supervisors or Zoning Hearing Board in favor of the applicant, the applicant shall have 1 year to draw a Zoning Permit, after having complied with all other applicable regulations of the Township.
6. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.

111. BOARD HEARINGS AND DECISIONS. The Board shall conduct hearings and make decisions in accordance with the following:

A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the PA Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. It is the responsibility of the applicant to insure that such notice is posted and remains posted until the hearing. A notarized affidavit of posting verifying compliance with this section shall be submitted to the Board by the applicant at the time of hearing.
3. Persons Given Notice.
 - a. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 - b. Notice should be delivered or mailed to the Planning Commission, Board of Supervisors and the last known address of owners of record of property abutting or directly across the street from the lot lines of the subject property. In the case of a variance request other than concerning a lot area, setback or other dimensional requirement, then such notice should also be given to the last known address of owners of record of property at least partially within 500 feet of the lot lines of the subject property. The applicant shall provide the Township with a list of such property-owners.
 - c. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered by a Township representative to the last address known to the Township.
 - d. Written notice of the hearing shall be posted on the property.
 - e. All notice under this sub-section should be intended to be received or posted at least 7 days prior to the hearing date.
4. Adjacent Municipalities. In any matter which relates to a property which lies within 500 feet of the boundary of another municipality, and which the Township staff determines may have a significant impact on that municipality, the Township

staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter at least 7 days prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.

5. Fees. The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by this Ordinance.

B. Parties in Hearings.

1. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
2. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- C. Oaths and Subpoenas. The chair of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

- D. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

- E. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the hearing officer, as applicable, shall keep a record of the proceedings as required by State law.

F. Communications Outside of Hearings.

1. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Board's solicitor.

- G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, Environmental Advisory Committee or Township Engineer provide an advisory review on any matter before the Board.

H. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

1. The first hearing before the Board shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

I. Decision/Findings.

1. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
2. Except for challenges filed pursuant to Section 916.1 of the Municipalities Planning Code where the Board fails to render the decision within the time required by this subsection or fails to commence, conduct or complete the required hearing as provided herein, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
3. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Section 111.H. of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.

Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.

- J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established by Section 907 of the PA Municipalities Planning Code.

112. APPEALS.

- A. In General. Article X-A of the PA Municipalities Planning Code, as amended, sets forth procedures governing the appeal of a land use decision rendered pursuant to this Ordinance. Those provisions shall be the exclusive mode for securing review of any such decision.
- B. Procedural Defects in Enactment. Allegations that this Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Ordinance or amendment.
- C. To the Zoning Hearing Board. Appeals to the Board shall comply with Section 111, "Hearings."

113. PUBLIC UTILITY EXEMPTIONS. See Section 619 of the PA Municipalities Planning Code.

114. LIABILITY.

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

115. SITE PLAN REQUIREMENTS.

- A. A minimum of 8 copies of a site plan meeting the requirements of this Section 115.C shall be submitted to the Zoning Officer for review under this Section **if the proposed structure or use will not be approved as a "land development"** (as defined in the

Subdivision and Land Development Ordinance) and if such structure or use meets one or more of the following criteria:

1. involves a conditional use or a special exception use, other than a home occupation,
 2. involves a non-residential principal structure, accessory structure, or addition, or residential principal structure, addition greater than 1,000 square feet, or a residential accessory structure greater than 1,000 square feet, or an in-ground swimming pool, or a non-residential principal use, or any earth moving activity over 10,000 square feet, and/or
 3. involves more than 5,000 square feet of new or additional impervious area or outdoor storage area.
- B. If a site plan is required under this Section for a use that is permitted by right, then the site plan should be reviewed by the Planning Commission and Board of Supervisors, who may provide advisory comments to the Zoning Officer on whether the zoning site plan should be approved.
- C. Such required site plan shall include the following information, unless determined in advance by the Zoning Officer to be not relevant:
1. A statement as to the proposed use of the building or land.
 2. A site layout drawn to a scale of not less than 1 inch equals 50 feet (unless another scale is pre-approved by the Zoning Officer or Township Engineer) showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 3. The location, dimensions and arrangements of all open spaces and yards and buffer yards including any methods and materials to be employed for screening of businesses or parking lots.
 4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
 5. The dimensions, location and methods of illumination for signs, if applicable.
 6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 7. General provisions to be made for treatment and disposal of sewage, other wastes, water supply, storm drainage and solid waste. If a use will also be required to

have its stormwater management approved under the Subdivision and Land Development Ordinance, then such information may be submitted at that time.

8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per gross acre of land.
9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
10. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
11. Plot/Grading Plan as required by Section 106.D.

116. PROCEDURES FOR CONDITIONAL USE.

- A. The Zoning Officer should within 15 days of site plan submission for a conditional use, if it is in compliance with the requirements of this Article, submit a minimum of 3 copies of said plans, together any written report thereon to the Township Planning Commission.
- B. Planning Commission Review. The Planning Commission shall be given an opportunity to review the proposed conditional use and may submit an advisory recommendation to the governing body. The governing body may rule on the case without receiving a review by the Planning Commission if 45 days has passed since the complete application was submitted to the Township or when a decision must be made to comply with time restrictions of this Ordinance or the Municipalities Planning Code. The Board of Supervisors shall conduct a hearing within 60 days from the date of the applicant's request for a hearing, unless waived in writing by the applicant. The decision of the Board of Supervisors shall be made within 45 days after the last hearing before the Board of Supervisors unless the applicant grants a written time extension.
- C. Decision of the Governing Body. The procedures set forth in Sections 111.H. and 111.I. relating to initiation of hearings and decision/findings of the Zoning Hearing Board shall apply to the governing body in consideration of conditional use applications. Where the governing body fails to render the decision within the period required therein or fails to commence, conduct or complete the required hearing as provided in Sections 111.H. and 111.I. of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within 10 days from the last date it could have met to render a decision in the same manner as required by the public notice requirements of the Municipalities Planning Code. If the governing body shall fail to provide such notice, the applicant may do so.

117. PROCEDURES FOR SPECIAL EXCEPTION USES.

- A. The Zoning Officer shall within 15 days of a site plan submission for a special exception use, if it is in compliance with the requirements of this Article, shall submit together with any written report the copies of the site plan to the Zoning Hearing Board. In addition, except for a home occupation, at least 1 copy should be submitted to the Planning Commission within such time period.
- B. The Planning Commission should be given an opportunity to review the proposed special exception use, other than for a home occupation, and may submit an advisory recommendation to the Zoning Hearing Board. However, the Zoning Hearing Board may rule on the case without receiving a review by the Planning Commission if 45 days has passed since the complete application was submitted to the Township or when a decision must be made to comply with time restrictions of this Ordinance or State law.
- C. The Board shall hear and decide such request for a special exception use under the procedures of Article 1 and the PA Municipalities Planning Code. The Board shall schedule the first hearing within 60 days of submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within 45 days after the conclusion of the final hearing on the matter.
- D. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with Article 1.

BUSHKILL TOWNSHIP ZONING ORDINANCE

TITLE PAGE

1. TITLE. An Ordinance: a) dividing the Township of Bushkill into districts and regulating the use of land and the location, use and density of buildings within these districts; b) providing for the administration, implementation and enforcement of this Ordinance; c) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures, d) establishing the maximum density and intensity of development; and e) establishing provisions for special exceptions and variances to be administered by a Zoning Hearing Board.

2. SHORT TITLE. This Ordinance shall be known and be cited as the Bushkill Township Zoning Ordinance of 2012.

3. SEVERABILITY. It is hereby declared to be the legislative intent that:
 - 3.A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

 - 3.B. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

4. REPEALER. All other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including the pre-existing Bushkill Township Zoning Ordinance, as amended.

5. ENACTMENT. Under the authority conferred by the PA Municipalities Planning Code, as amended, following a public hearing and review by the Township Planning Commission and the Joint Planning Commission, the Board of Supervisors of the Bushkill Township hereby enacts and ordains into an Ordinance the proposed revised Zoning Ordinance text and reenacts and ordains the attached existing Zoning Map this date of _____, 2012. This Ordinance shall become effective in 5 days.

Chairperson, Board of Supervisors

Attest, Township Secretary

ARTICLE 2

DEFINITIONS

200. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. Retail "Sale" shall also include retail rental.
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F.
 - 1. **If a word is not defined in this Ordinance, but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply.**
 - 2. If a word is defined in both this Ordinance and another Township ordinance, each definition shall apply to the provisions of each applicable Ordinance.
 - 3. If a word is not defined in this Ordinance or the Subdivision and Land Development Ordinance, but is defined in the PA Municipalities Planning Code, then such Planning Code definitions shall apply.
- G. Any word or term not defined in this Ordinance or the Township Subdivision and Land Development Ordinance or PA Municipalities Planning Code, as amended, shall be used with the meaning of standard usage within the context of the Section.
- H. The words "such as", "includes", "including" and "specifically" shall provide examples, but shall not by themselves limit a provision only to items specifically mentioned, if other items would otherwise comply with the provision.

201. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street. See definition of "adjacent."

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

Accessory Building. A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street.

Adult Bookstore. A use having a significant portion of the market value of its stock in trade and/or of the number of total items of its stock in trade in books, films, magazines, video tapes, novelties or other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Use or Cabaret. A use including live entertainment involving persons displaying uncovered male or female genitals, or completely nude female breasts, or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This shall include only the following: "Adult Bookstore", "Adult Movie Theater", "Massage Parlor" or "Cabaret" as defined in this Ordinance.

Agriculture. Shall mean "crop farming," "plant nursery" and "animal husbandry." See definition of each.

Airport. An area of land or water or a surface of a building which is designated, used or intended to be used for the landing and take-off of motorized aircraft weighing more than 50 pounds each, and any related aircraft support facilities such as for maintenance, refueling and parking. A "public airport" shall be one that does not meet the definition of a "private airport." A "private airport" shall be one that is limited to a maximum total of 15 flights and/or take-offs in any 7-day period and that is not available for use by the general public.

Alley. A private minor right-of-way providing secondary access to the side or rear on 1 or more properties which has a maximum right-of-way width of 20 feet.

Amateur Radio Antenna. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies. This includes any accessory supporting structures.

Animals, Grazing. Animals that exist wholly or partly on naturally growing pastures which usually consist of true grasses, together with other forage species such as legumes.

Animals, Grazing Unit. 1 cow or mule; or 2 donkeys; or 4 alpaca; or 5 sheep; or 6 goats; or 1 of any other grazing animal not listed. Suckling offspring are included within the same animal unit as the mother until weaned.

Animal Husbandry. The raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry. Animal husbandry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Animals, Non-grazing. Animals that exist in confined pens, cages, buildings or feeds typically harvested and fed to the animals.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance, and his/her heirs, successors and assigns.

Attic. That part of a building which is immediately below and wholly or partly within the roof framing.

Auditorium, Commercial. A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult cabaret or standard or fast-food restaurant.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard.

Auto Repair Garage or Auto Body Shop. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage or auto body shop shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of a "auto service station" is also permitted as part of an "auto repair garage" or "auto body shop."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include the sale of ready-to-eat food for consumption, off of the lot, and common household products, as a clearly accessory use, provided that the total parking requirements of Section 1500 are complied with. An accessory use providing motor fuel only to vehicles operated by that business shall not be considered to be a gasoline service station. A use that primarily serves tractor-trailers shall not be considered an auto service station, unless specifically stated otherwise in the District regulations.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6 feet or greater and b) if at least 50 percent of its height (measured from finished floor to finished ceiling) is above the average level of the finished grade abutting the exterior walls of the building.

Bed and Breakfast. The use of a single family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access for a maximum of 10 temporary guests at any one time, and which does not provide any cooking facilities or meals other than breakfast to guests. This use shall only include a use renting facilities for a maximum of 7 days in any month to any 1 person.

Billboard. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Board. The Zoning Hearing Board of Bushkill Township.

Board of Supervisors. The Board of Supervisors of Bushkill Township.

Boarding House. A residential use in which 2 or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation or a dwelling unit that includes greater than the permitted maximum number of unrelated persons, and which does not meet the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days.

Buffer Yard. A strip of land separating a land use from another land use or feature, and which is not occupied by any principal or accessory building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a lot by the total lot area of the lot upon which the buildings are located.

Building, Height. See "Height".

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Integrated Wind Energy Facility. A wind energy facility designed to be permanently mounted on a building or other inhabitable structure, including wind turbines of any rated name plate capacity, designed to be operated in direct contact with a building. Other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building are also included in this definition.

Building Length. The horizontal measurement between the 2 most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

Building Line or Building Setback Line. See "Setback."

Building Width. The horizontal measurement between 2 structural walls of 1 building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Bulk Storage. Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

Camp. A type of campground that does not involve residential recreational vehicles.

Campground. A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for seasonal occupancy by organized groups of persons under age 18 and their counselors.

Carport. A roofed building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

Cartway. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this ordinance.

Chairperson. Includes chairman, chairwoman, chair and acting chairperson (when applicable).

Clear Cutting. A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof.

Commercial Communications Tower. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications, but shall not include an amateur radio antenna.

Commercial District. The V and GC/I Districts.

Commercial Motor Vehicle. Any motor vehicle or combination used on a highway in intrastate commerce to transport passengers or property when the vehicle meets one of the following conditions:

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 17,001 pounds or more, whichever is greater.

2. Is designed or used to transport more than 8 passengers, including the driver, for compensation.
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
4. Is a school bus.
5. Is transporting hazardous materials which is required to be placarded in accordance with Department regulations.

Commercial Outdoor Recreation. An area which has a total building coverage of less than 15 percent, is used principally for active or passive recreation, and is used for a profit-making purpose.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission. The Planning Commission of the Bushkill Township.

Common Open Space. See "Open Space, Common."

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "criminal treatment center."

Comprehensive Plan. The document entitled the Nazareth Area 2030 Multimunicipal Comprehensive Plan of 2006, or any part thereof, adopted by the Board of Supervisors, as amended.

Conditional Use. A use which is allowed or denied by the Board of Supervisors within the provisions of Article 1, after review by the Planning Commission.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

Convenience Store. A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 5,000 square feet. This use may also include the accessory sale of gasoline, provided the requirements for an "auto service station" are also met.

Conversion. To change or adapt land or structures to a different use.

County. The County of Northampton, Commonwealth of Pennsylvania.

County Planning Commission. The Lehigh Valley Planning Commission.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards, outdoor growing of trees or shrubs for sale off-site and Christmas tree farms, but the term shall not include animal husbandry (except as a clearly incidental and accessory use), commercial forestry, riding academies or kennels.

Cultural Center. A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

Curative Amendment. A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State required education, including a "nursery school." The following 3 types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

1. Day Care (accessory use). A type of "day care" use that: 1) provides care for 4 to 6 children at one time who are not relatives of the care giver and 2) provides the care within a family dwelling unit.
2. Day Care Center (principal use). A type of "day care" use that provides care for 7 or more children at any one time who are not relatives (see definition) of the caregiver. See 1602.

Days. Calendar days.

Decision. Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas.

Density. The total number of dwelling units divided by the "lot area," unless otherwise stated.

D.E.P. (or "DEP"). Shall mean the Pennsylvania Department of Environmental Protection, or its successor, or its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Determination. Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Board of Supervisors;
2. The Zoning Hearing Board; or
3. The Planning Commission, only in and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Development. Construction, erection or expansion of a structure or mining, filling, grading, paving, excavation or drilling operations. The term also includes any activities defined as "land development" under the Bushkill Township Subdivision and Land Development Ordinance.

Distribution. The processing of materials so as to sort out which materials are to be transported to different locations, and the loading and unloading of such materials. This term shall not include a "truck terminal."

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dump. Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by DEP and that is not a permitted junkyard under this Ordinance.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:

1. Conversion Apartment. A new dwelling unit created within an existing building.
2. Multi-Family Dwellings. Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is less. The individual dwelling units may be leased or sold for condominium ownership.
3. Modular Construction. The construction of a dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment (as permitted in the applicable district) that involves substantial but not whole production in 2 or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.

4. Single Family Detached Dwelling or "Single Family Dwelling". A dwelling unit accommodating a single family and having open area on all sides.
 - a. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, e) is not a "Recreation Vehicle," and f) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of "Modular construction" above.
5. Single Family Semi-Detached Dwelling. One dwelling unit accommodating 1 family that is attached and completely separated by a vertical, unpierced, fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex or one-half of a twin home. Each unit may or may not be on a separate lot.
6. Single Family Attached Dwelling or Townhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from each other by vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.
7. Two-Family Detached Dwelling. Two dwelling units accommodating 1 family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

Dwelling Unit. One dwelling occupied by only 1 "family." See definition of "family." Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall have cooking facilities within a single room or 2 abutting rooms that open into each other. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety, and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

1. Limited facilities are equipment which does not require enclosure within a building or which can be constructed within a public right-of-way (including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals and hydrants).
2. Major facilities are equipment which requires enclosure within a building or construction on its own site (including gas storage areas, substations, telephone exchanges and telephone booths).

Exercise Club. A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool, racquetball courts and training for these activities.

Facility Owner. The entity or entities having an equity interest in a Wind Energy Facility, including their respective successors and assigns.

Family. Any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Flood. A temporary inundation of normally dry land area.

Flood, One Hundred Year. A flood that has a 1% chance of being equaled or exceeded in any given year. Over a long period, it is a flood that is likely to occur, on average, once for every 100 years of record.

Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby river, stream or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood Prone Properties. As designated on the Official Zoning Map. Year round and intermittent streams shown on the Official Zoning Map and defined by the USGS 7.5 minute quadrangle sheets including Wind Gap 1960 and Nazareth 1964. Areas shown may not be accurate and must be verified by field survey upon request of the Board of Supervisors.

Floodway. The channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

Floor Area or Gross Floor Area. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to fully enclosed porches or basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area specifically shall not include the following: elevator shafts, common stairwells, unenclosed porches or decks or breezeways.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 405.F.

Garden Apartment. See under "Dwellings."

Geothermal Resource. Any groundwater, steam, or other fluid 250 degrees Fahrenheit or greater which is used for its thermal characteristics.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Government Services and Facilities. Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Group Home - The use of any lawful dwelling unit which meets all of the following criteria:

1. involves the care of the maximum number of persons permitted by the "group home" standards of Section 1602, and meets all other standards of such section,

2. involves persons functioning as a common household,
3. involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law,
4. does not meet the definition of a "treatment center" or a "dormitory" and
5. does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others."

(* Note- As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in section 802 of Title 21.")

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or Federal licensing or regulation, including but not limited through the Pennsylvania Solid Waste Management Act.

Height. The vertical distance of a building measured from the point which is midway between the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story. See exemptions for certain types of structures in Article 10. For height of signs, see Article 14.

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

1. Public Heliport. A heliport that does not meet the definition of a Private Use Heliport.
2. Heliport, Private Use. An area of land which is designed, used or intended to be used, for the landing and take-off of helicopters, on which usage is restricted to the owner and/or operator or to persons authorized by the owner and/or operator, which includes any appurtenant areas designed to be used for helicopter support facilities such as maintenance, refueling and parking, and which meets all applicable State and Federal regulations and receives approval from the Federal Aviation Administration and the Pennsylvania Bureau of Aviation.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling and/or its permitted accessory building that:

1. meets the definition, standards and limitations of a "general home occupation" or a "light home occupation" within the following definitions and Article 16;
2. only include uses that are clearly incidental and secondary to the principal residential use;
3. does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing);

4. specifically does not include the following: hotel, motel, nursing home, boarding house, restaurant, stable or kennel; and
5. the total floor area used for the home occupation shall not exceed 25% of the total floor area of the principal dwelling unit or 750 square feet, whichever is more restrictive.

General Home Occupation. A "home occupation" that:

- a. involves a maximum of 3 total persons working on the premises; only 1 of which is permitted to be a non-resident of the dwelling working on the premises at any one point in time with the potential for additional persons to be employed to work off-site; and
- b. does not meet the definition and standards of a "Light Home Occupation."

(Note - In residential districts, this use requires approval by the Zoning Hearing Board under the District regulations.)

Light Home Occupation. Shall mean "No Impact Home-Based Business." See definition herein.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic". A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not include housing of the criminally insane and shall not primarily involve the housing or treatment of persons actively serving an official sentence after being convicted of a felony.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use.

Household Pets. Domestic animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasures of the resident family, such as dogs, cats, gerbils and other similar pets normally sold by retail pet stores. See State Act 100 of 1965, as amended, concerning carrier pigeons.

Hub Height. The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Hydric Soils. A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to the saturated soils and periodic inundations occurring in wetlands.

Impervious Coverage. The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

1. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
2. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.6 or greater. Any dispute over whether an area is "impervious" shall be decided by the Township Engineer.

Industrial District. Includes the GC/I District.

Industrial Use. Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

Junk. Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: pilings of tree limbs and/or branches, metal, furniture, appliances, motor vehicles, aircraft, glass, plastics, industrial waste, machinery, equipment, containers, structures, used building materials and building materials left on a site after completion of the portion of construction to which those building materials relate. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves, or d) items clearly awaiting imminent recycling at an approved recycling use.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

1. does not display one of the following: a license plate with a current registration sticker or a valid State safety inspection sticker (plates or stickers that have expired less than 3 months ago shall be considered current or valid for the purpose of this Section);
2. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;
3. cannot be towed, in regards to a vehicle designed to be towed;
4. has been demolished beyond repair;
5. has been separated from its axles, engine, body or chassis, and/or
6. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard.

1. Land or a structure used for the collection, storage, exchanging, dismantling, disassembling, handling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
 - a. "Junk".

- b. 3 or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage, auto body shop or auto service station.
 - c. One or more mobile/manufactured homes that are not in a habitable condition.
2. Junk stored within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use.

Keeping of Livestock. The raising and/or keeping of farm animals, poultry or insects for any purpose beyond what is allowed under the "Keeping of Pets" section (1602.DDD) and in compliance with requirements set forth in Section 405.Q. For the purposes of this Ordinance horses, or any other equestrian animals, shall not be considered livestock.

Kennel. The keeping or boarding of a greater number of dogs or cats for payment on a lot or within a dwelling unit beyond that number permitted under the "Keeping of Pets" or the "Crop Farming" provisions of this Ordinance. A nonprofit animal shelter is a type of kennel. In addition, in any case, if more than 6 dogs and/or cats age 6 months or older are kept, it shall be considered a Kennel.

Lake or Pond. Lakes and ponds are natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water 2 or more acres in extent. Ponds are bodies of water less than 2 acres in extent.

Land Development. As defined by the Township Subdivision and Land Development Ordinance, as amended.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Line, Street. The street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

Lot. A contiguous area of land within defined lot lines that is recorded or that will be recorded, after Township final subdivision approval, in the office of the County Recorder of Deeds as a separate and distinct parcel.

1. A parcel under common ownership that is completely separated into 2 parts by a public street shall be considered to be 1 tract but 2 lots.
2. See Section 1000.M. "Lot Divided by Waterway."

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of 2 streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel.

Lot, Interior. A lot other than a corner lot.

Lot, Reverse Frontage. A lot that abuts 2 approximately parallel streets, but only has access onto 1 street.

Lot, Through. A lot that abuts 2 approximately parallel streets.

Lot Area. The contiguous horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

1. Areas within the future ultimate legal rights-of-way of any proposed or existing public streets or alleys;
2. Areas that are currently or will be required to be dedicated as common open space;
3. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity; or
4. Permanent drainage easements that involve underground stormwater pipes, detention basins and/or concrete structures (note- easements that only include vegetation or rip-rap shall not be excluded). See definition of "Lot" concerning parcel separated by street.
5. The non-buildable area within the "pole" of a flag lot.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

1. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way and from which the required front yard is measured.
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A 3 sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. The width of lot frontage along a public street right-of-way (which shall be measured using a straight line between 2 points) shall not be less than 1/2 of the required lot width in the particular district, except as follows:

1. The minimum lot width of a lot fronting onto a permanent cul-de-sac circle may have a minimum frontage along such street of 45 feet, measured by a straight line between the 2 points where the side lot lines intersect with the street right-of-way.
2. As provided for "Flag Lots" in Section 1000.D.2.

Manufacture. The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or trucking company terminal.

Massage. The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Parlor. An establishment that meets all of the following criteria:

1. "Massages" are conducted,
2. The person conducting the massage is not licensed as a health care professional or licensed massage therapist by the State,
3. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor,
4. The massages are conducted within private or semi-private rooms, and
5. The use is not clearly a customary and incidental accessory use to a permitted exercise club or a high school or college athletic program.

Medical Office or Clinic. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. A clinic primarily involving the performance of abortions shall not be permitted within a residential district or within 200 feet of a dwelling.

Membership Club. An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Motel. See "Hotel."

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 248 of 1968, as amended.

Night Club. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

No-Impact Home-based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. A no-impact home-based business shall be subject to requirements and regulations set forth in Section 1602.Y of the Zoning Ordinance.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this ordinance, as amended, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include but are not limited to, signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons.

Occupied Building. A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when a permit application is submitted.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Map. Any Official Map that may be adopted or amended by the Board of Supervisors in accordance with the Municipalities Planning Code.

Official Street Classification Map. The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification." This map may be amended by resolution of the Board of Supervisors.

Official Zoning Map. The map as adopted by the Board of Supervisors which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land, or an area of water, or a combination of land and water within a tract which is:

1. designed, intended and suitable for active or passive recreation by residents of a development or the general public;
2. which is covered by a system for perpetual maintenance;
3. deed restricted or under conservation easement to permanently prevent the use of land for uses other than "common open space;" and
4. which does not include any of the following: a) existing or future street rights-of-way, b) vehicle accessways, c) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), d) off-street parking (other than that clearly intended for noncommercial recreation), e) any area needed to meet a requirement for an individual lot, f) any area deeded over to an individual property owner for their own use, g) land with right-of-ways intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity and h) areas used for stormwater detention that do not have a clear and safe recreation function.

Operator. The entity responsible for the day to day operation and maintenance of the Wind Energy Facility.

Ordinance, This. The Bushkill Township Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

Parking. Shall mean off-street parking and aisles for vehicles unless otherwise stated.

Paved Area. All areas covered by gravel and/or impervious surfaces, other than buildings and concrete public sidewalks.

PA. Pennsylvania.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities. See Section 106.

1. Zoning/Building Permit. A permit issued indicating that a use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which

authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this ordinance" shall mean the applicable portions of a Building Permit, unless a specific system of zoning permits has been established.

2. Driveway Permit. See the applicable Township Ordinance.
3. Earthmoving Permit. A permit provided for under Section 1004.E. of this Ordinance.
4. Occupancy Permit. See Section 106.I.

Permitted By Right Use. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or mentally retarded and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania, and which is regulated by this Ordinance in the same manner as a nursing home.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, State licensed massage therapists, and other similar establishments, but shall not include a massage parlor.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planning Commission. The Planning Commission of Bushkill Township.

Plant Nursery. The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale on-site, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm. See also "Crop Farming". A Plant Nursery shall not include an excavating contractor (except for routine excavation for plants and trees), unless that use is specifically permitted in that District.

Pond. See under "Lake or Pond."

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. The dominant use(s) or single main use on a lot, as opposed to an accessory use.

Private Use Heliport. See under "Heliport."

Property Line. Has the same meaning as "lot line."

Public Hearing - A formal meeting held pursuant to public notice by the Board of Supervisors, Planning Commission and Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Publicly-Owned Recreation. Land and/or facilities that are owned by a government agency or the Township and are available for use by the general public for leisure and recreation.

Recreation, Private or Commercial. Leisure-time activities that are only open to members, guests or some specific groups and/or that are principally operated for commercial purposes.

Recreational Vehicle. A vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than 15 feet, motor homes, travel trailers, all terrain vehicles and snowmobiles.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, an emergency services station or a college or university.

Related or Relatives. Persons who are closely related by blood, marriage, adoption or formal foster relationship. This term shall be limited to relationships such as father, mother, daughter, son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, step-father, step-mother, legal guardian, first cousin and closely similar relationships. This term shall not include relationships such as second, third or more distant cousins.

Residence. A structure designed for overnight accommodation, an actual dwelling unit containing living quarters, or house. This definition shall not include either the land appurtenant thereto nor accessory structures, accessory buildings, or accessory uses.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (private), Carport, Tennis Court, Garage Sale, Basketball Backboard, Storage of a Recreational Vehicle, Private Swimming Pool, Nursery School/Day Care Center (as an accessory use), Volleyball Court, Home Office, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment.

Residential District. The RC, RR, and V Zoning Districts.

Residential Lot Lines. The lot line of a lot of less than 5 acres containing a primarily residential use(s) or the lot line of undeveloped land zoned as a Residential District.

Resort. A building or group of buildings located on a lot containing 10 acres or more combining lodging of members and guests, service of food to lodgers and/or non-lodgers, accessory retail sale of commodities and services and facilities for educational activities and recreation for lodgers and/or non-lodgers.

Restaurant, Fast Food.

1. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a "standard restaurant".
2. A fast-food restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.

Restaurant, Standard.

1. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food while seated inside a building from a waiter or waitress and then the food is delivered to their table and consumed at the table.
2. A standard restaurant may include the accessory sale of alcoholic beverages; however, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" must be met.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or restaurant.

Riding Stables. A place where horses are kept, traded, trained, raised or rented for compensation or service.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that will be owned by the Township or the Commonwealth after the completion of any proposed subdivision, land development or development of a use under this Ordinance.

Right-of-Way, Future. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way," "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. See Section 1002. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Riparian Buffer. An area of trees and other vegetation adjacent to a watercourse or wetland that forms a transition area between the aquatic and terrestrial environment, and designed to intercept runoff for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides, or other pollutants before entry into surface waters and to provide control of water temperature.

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or "Satellite Antenna". A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools" (such as privately operated schools of trade, vocation or business).

Screening. A year-round vegetative material of substantial height and density designed to buffer two uses from each other. See requirements of Section 1106.F.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

Service Station. See "Auto Service Station".

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure, excepting eaves and cornices,

that is closest to the right-of-way line or lot line from which the setback is being measured. Unless otherwise stated, setback distances are for both accessory and principal structures. See also "Yard".

Sewage Disposal System. A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

1. Public or Central Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
2. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "public or central sewer service."

Sewage Sludge or "Sludge". The treated, conditioned digested accumulated settled solids deposited as a result of sewage treatment processes that occur within the requirements of a State or Federal environmental pollution or on-lot septic system permit. This shall only include substances adequately stabilized so that they are suitable for land application.

Shadow Flicker. The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Shopping Center. A use combining either: a) 3 or more retail or personal service uses or establishments or b) 2 or more retail or personal service uses or establishments where such uses involve a total of more than 15,000 square feet of total gross floor area. Such a use may also include offices.

Sight Distance. An area required to be kept free of visual obstruction. See Section 1000.F.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building are excluded.

1. Business Identification Sign. A sign which directs attention to a business, profession, product, service, activity or entertainment sold or offered upon the premises where such sign is located.
2. Directional Sign. An advertising sign or device intended to direct or point toward a place, or object, or one that points out the way to either an unfamiliar or a known place or object that obviously could not be easily located without such a sign or device.
3. Freestanding Sign. A sign supported by, or suspended from, a freestanding column or other support located in or upon the ground surface.

4. Illuminated Sign (Indirectly). An illuminated, non-flashing sign with illumination derived from an external artificial source and so arranged that no direct rays of light are projected from such artificial source to areas other than the sign being illuminated.
5. Name Plate Sign. A sign which states the name or address or both of the occupant of the lot where the sign is located.
6. Projecting Sign. A sign which is attached directly to the structure wall and which extends more than 15 inches from the face of such wall.
7. Window Sign. A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.
8. Changeable Copy Sign. A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.
9. Electronic Changeable Copy Sign. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. A sign on which the message changes more than every 8 seconds (except for time and temperature) shall be considered an animated sign and not an electronic changeable copy sign for the purposes of this Ordinance.
10. Electronic Graphic Displays/Digital Billboards. An off-premises sign that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include computer programmable, microprocessor controlled electronic or digital displays.
11. Outdoor Advertising Sign/Billboard. A type of freestanding sign which directs attention to a business, industry, profession, commodity, service or entertainment not necessarily sold or offered on the premises where the sign is located.

Sign, Area of. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Nonconforming. A sign which does not conform to the controls regulating signs in this Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. See also "Billboard."

Sign, On-Premises. A sign which directs attention to a person, business, profession, product, home occupation or activity conducted on the same lot.

Site Plan Review. Review of a site plan by the Planning Commission and/or the Board of Supervisors that is required for certain uses under Section 1600 and the District regulations.

Slaughter House. A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Sludge or Septage Application. The application of sewage sludge and/or septage to land for its plant nutrient value or as a soil conditioner.

Solar Energy System. An energy conversion system including appurtenances which converts solar energy to a usable form of energy to meet all or part of the energy requirements for the on-site residential user.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to the Bushkill Township Board of Supervisors.

Solid Waste.

1. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.
2. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: a) portions of trees or shrubs, leaves, mulch and rocks, b) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, c) customary residual wastes from a permitted mineral extraction use or d) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.

Solid Waste Disposal Facility.

1. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.

2. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of PA DEP regulations.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of PA DEP regulations.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Article 1.

Specified Sexual Activities. One or more of the following:

1. Human male genitals in a visible state of sexual stimulation,
2. Acts of human masturbation, sexual intercourse, oral sex or sodomy,
3. Fondling or other erotic touching of human genitals.

Stable, Non-Household. Any housing of 4 horses or more. This may include a commercial or private riding club. The housing of 3 horses or less shall be considered an accessory use under the "Keeping of Pets" (see Section 1602.DDD).

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania State Municipalities Planning Code, Act 247 of 1968, as amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle, other than a moped or motorcycle.

Story (and Half-Story). A level of a building accessible to humans having an average vertical clearance 6 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance of less than 6 feet shall be considered a "half-story."

Stream. See under "Watercourse."

Street. A public or private thoroughfare which affords principal means of access to abutting properties or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street Classification. The functional classification of streets into the following types, as shown on the official Street Classification Map at the end of this Ordinance for existing streets and as determined by the Township Engineer for future streets:

1. Expressway. A limited access street on which access is provided only at interchanges.
2. Arterial. A street whose function is to provide for the movement of high volumes of through-traffic and direct access to abutting properties; subject to necessary control of entrances, exits and curb use.
3. Collector. A street which provides for the movement of moderate volumes of traffic between arterials and local roads and direct access to abutting property. Major collectors are streets that typically have higher volumes than minor collectors.
4. Local. A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

Street, Proposed. A street which is planned or approved, but not yet open to traffic.

Street Right-of-Way Line or Street Line. The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that 1) the street right-of-way line shall be not less than 16-1/2 feet from the centerline of any existing road or street, and 2) where a future right-of-way width for a road or street has been established by the Official Street Classification Map, then the street right-of-way line shall be the side line of the future right-of-way so established.

Structure. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

1. The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages.
2. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance.

Subdivision. See the definition in the Township Subdivision and Land Development Ordinance.

Subdivision Ordinance. The Bushkill Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 2 feet deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 2 feet deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur. See also the definitions of restaurants and auditoriums.

Temporary Structure. A structure which is not designed or constructed to last or to be used for a specific use for more than 1 year or an aggregate period of not more than 3 years.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

Tourist Home. A dwelling in which at least 1 but not more than 6 rooms are offered for overnight accommodations for transient guests, for compensation.

Townhouse. See "Dwelling Types."

Township. Bushkill Township, Northampton County, Pennsylvania.

Tract. In certain Districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Township that is required to be approved as part of an overall final subdivision or land development plan in order to allow certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

1. shall only include lands within an approved final plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract and
2. shall only include lands that at the time of the approval of the final plan have 1 "landowner" (as defined by Article 2), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between 2 or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling because of:

1. criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol;
2. addiction to alcohol or a controlled substance or;
3. a type of mental illness, criminal history or other behavior that has caused or could reasonably be expected to cause a person to be a threat to the physical safety of others.

Truck Stop. A facility designed and operated to service tractor-trailers with fuel and miscellaneous supplies.

Trucking Company Terminal or "Truck Terminal". A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from and reloaded onto tractor-trailer trucks.

1. A use that primarily involves loading materials from tractor-trailers onto smaller trucks or smaller trucks onto tractor-trailers shall be considered a "distribution" use.
2. A truck terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for drivers of trucks using the terminal.

Turbine Height. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Turbine Rotor. A structure which contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and, along with other generating and electrical storage equipment, forms the wind energy facility.

Usable Open Space. Open space of a lot or tract used for residential purposes, exclusive of required front and side yard areas, which is suitable for specified use(s) or as outdoor open space for the residents.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required

with a specific requirement of the Zoning Ordinance. Any variance shall be only be granted within the limitations of the PA Municipalities Planning Code.

Vernal Pond. A small, temporary body of water in a depression fed by surface runoff and maintained by a high water table (does not persist year-round). Also called ephemeral, fluctuating pools. Vernal ponds occur with especially high concentrations in the northern portion of Bushkill Township and can be characterized by shallow water for variable periods from winter to spring, and potentially dry for most of the summer and fall; usually devoid of fish, and thus allow the safe development of natal amphibian and insect species; range in size from small puddles to shallow lakes and are usually found in a gently sloping plains near the foot of the Blue Ridge Mountain; although generally isolated, they are sometimes connected to each other by small drainages known as vernal swales; beneath natural vernal ponds lies either bedrock or a hard clay layer in the soil that helps keep water in the ponded area. Vernal ponds are regulated as wetlands and/or waterbodies (as ponds which are considered "waters of the United States" and "waters of the Commonwealth of Pennsylvania"), and therefore, they are under the jurisdiction of the state and/or federal governments.

Veterinarian Office. A building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of "Small Animals" includes only small domestic animals, including but not limited to dogs, cats, rabbits, birds or fowl. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. The housing primarily of healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence".

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Waste-To-Energy Facility. See "Solid Waste-to-Energy Facility."

Waterbodies. Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Watercourse. A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

1. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority or c) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses. "Public" water service

shall mean central water service by a system owned by a municipality or a municipal or county authority.

2. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. Wetlands are those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Wind Energy Facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, metrological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Turbine. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Woodlands. A woodland is 1/4 acre or more of wooded land where the largest trees measure at least 6 inches diameter at breast height (dbh) or 4.5 feet from the ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where 10 or more trees measure at least 10 inches diameter at breast height (dbh).

Yard. An open space unobstructed from the ground up, on the same lot with a structure, and extending along a lot line or street line inward to the structure. The size of the required yard shall be measured as the shortest distance between the structure and a lot line or street line.

Yard, Front. A yard between a structure and a street line extending the entire length of the street line. In the case of a lot that fronts on more than one street, the yards extending along all streets are front yards.

Yard, Rear. A yard between a structure and a rear lot line and extending the entire length of the rear lot line.

Yard, Side. A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or rear yard shall be considered a side yard.

Zoning Map. The Official Zoning Map of Bushkill Township, Northampton County, Pennsylvania.

Zoning Officer. The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).

Zoning Ordinance. The Bushkill Township Zoning Ordinance, as amended.

Zoning Permit. See "Permit."

ARTICLE 3

DISTRICTS

300. DISTRICTS DESIGNATED.

- A. For the purpose of this Ordinance, Bushkill Township is hereby divided into the following zoning districts, as described in this Ordinance:

RC	Rural Conservation District
RR	Rural Residential District
V	Village District
GC/I	General Commercial/ Industrial District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.
- C. Floodplain. The Floodplain Area, as defined by Section 902 of this Ordinance, shall serve as an overlay area to all of the underlying Districts. The documents and mapping referenced by the floodplain provisions of this Ordinance, as amended, are hereby included in this Ordinance by reference.

301. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No building, structure, or land shall hereafter be erected, used, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Any territory which may hereafter be annexed to the Township shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.
- E. Any lawfully established existing use of a structure or land may be continued. See the provisions of Article 13 for Nonconformities.

302. ZONING MAP.

- A. A map entitled, "Bushkill Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map shall bear the adoption date of this Ordinance and the words "Official Zoning Map."
- B. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this Ordinance. All changes should be noted by date with a brief description of the nature of the change.
- C. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township Office and shall be the final authority on boundaries and districts.
- D.
 - 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
 - 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof, unless the amendment has been duly advertised and adopted.
 - 3. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

303. DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-ways, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.
- D. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections "A." through "C." above, the Zoning Hearing Board shall interpret the district boundaries.

304. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same setback and buffer yard provisions shall be provided for uses proposed within Bushkill Township if an abutting existing residence or abutting principally residential zoning district is located in an abutting municipality.

ARTICLE 4

RC - RURAL CONSERVATION DISTRICT

400. **PURPOSE.** The purpose of this District is to encourage the preservation of the character of the Blue Mountain, Appalachian Trail and to encourage the continuation of farming and other agricultural pursuits, while maintaining a low residential density by providing development standards for those appropriate uses.
401. **USE REGULATIONS.** A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other, subject to the applicable provisions of this Ordinance.
402. **USES PERMITTED BY RIGHT.** The following uses and their accessory uses are permitted by right by the Zoning Officer within any applicable requirements for specific uses in Article 16 and within all other requirements of this Ordinance:
- A. Forest/Forestry
 - B. Crop Farming
 - C. Animal Husbandry
 - D. Plant Nursery (includes Greenhouse)
 - E. Farmstead and Related Accessory Buildings Necessary for Farm Operations
 - F. Single Family Detached Dwelling (which may include "modular" construction)
 - G. Mobile/Manufactured Home (see Section 1602)
 - H. Essential Services (excluding buildings)
 - I. Group Home within a lawful dwelling unit (see Section 1602)
 - J. Church or Other Place of Worship
 - K. Cemetery
 - L. Public Facility Owned or Operated by the Township.
403. **PERMITTED CONDITIONAL USES.** The following conditional uses and their accessory uses may be permitted by the Board of Supervisors, following a review and recommendation by the Planning Commission in accordance with the provisions of Article 16 and any other applicable provisions listed herein.
- A. Public or Private Primary or Secondary School approved by the Department of Education, except such uses as commercial dance and music studios, day care centers and institutions of correction and detention.
 - B. Public Library, Fire or Police Station
 - C. Essential Services (including buildings)
 - D. Conversion of existing single family detached dwelling to a total maximum of three dwelling units.
 - E. Private Use Heliport
 - F. Single-Family Cluster Development (in accordance with Article 12)

404. **USES PERMITTED BY SPECIAL EXCEPTION.** The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of this Ordinance and of Article 16.

- A. Private or Semi-Public Outdoor Recreation Area such as parks, playgrounds, picnic grounds, swim clubs or camp with maximum impervious coverage of 20 percent.
- B. Golf Course, not including commercial driving range or miniature golf course.
- C. Kennel, Veterinary Office or Animal Hospital
- D. Riding Stable
- E. Membership Club
- F. Campground
- G. Home Occupation, General as an accessory use (see Article 16 and definition)
- H. Rooming or Boarding House
- I. Mobile/Manufactured Home for Operating Farm
- J. Bed and Breakfast Use

405. **ACCESSORY USES.** Accessory uses on the same lot and customarily incidental to the lawful use are permitted by right. The term "accessory use" shall not include a business, but may include the following uses which shall comply with all yard regulations (except as modified on the following page) and applicable provisions listed below:

A. Residential Accessory Building or Structure or Use including but not limited to:

1. Parking.

a. The parking of business vehicles is prohibited, except for the following vehicle(s) if clearly needed for travel to and from work by residents of the principal building:

- 1) a maximum of 2 vehicles each of which do not meet the definition of a commercial vehicle, and which shall not permit tractors or trailers of tractor-trailer trucks.

b. No vehicle parking area shall be located closer than 10 feet to a side or rear lot line of an abutting single family detached dwelling. See driveway setbacks in Section 1001.

2. Fences and Walls.

a. Fences and walls in the side and rear yard areas shall not be more than 80 percent solid, nor exceed 6 feet in height (except tennis court chain link fences which may not exceed 10 feet in height), nor closer than 3 feet to a lot line or easement line.

b. Fences or walls placed between the structures and the right-of-way shall not be more than 50 percent solid, nor exceed 5 feet in height, nor closer than 3 feet to a lot line or future right-of-way. The 3 foot minimum to a lot line/easement line may be waived if both property

owners abutting the lot line agree in writing to a reduced setback, and provide such written and notarized agreement to the Township.

- c. Fences outside of the required building setback areas may be 8 feet in height, and shall not be limited in their solidness.
 - d. See Section 1107.
 - e. Fences shall be securely constructed and properly maintained.
 - f. Fences constructed to enclose a swimming pool shall be put in place prior to filling, and shall comply with the requirements of Section 405.E.3.
3. Private buildings and structures such as tennis courts, bathhouses and greenhouses are allowed in side and rear yard areas, provided they are no closer than 10 feet to a side or rear lot line and do not exceed 15 feet in height.
 4. Residential Accessory Structures- A detached one-car or two-car garage shall be a minimum of 10 feet from a rear or side lot line abutting an existing or proposed alley. In all other instances, detached structures that are accessory to dwellings and are greater than 300 square feet in total floor area shall meet all required principal building setbacks. No residential accessory structure shall exceed the maximum height of 20 feet.
 5. Storage sheds, not to exceed 300 square feet, are allowed in side and rear yard areas, provided they are no closer than 10 feet to a side or rear lot line, and shall not be located within a drainage easement.
 6. Light home occupation, within the requirements of Article 16 and the definition in Article 2.
- B. Temporary Structure or Use. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances subject to the following additional provisions:
1. The life of such permit shall not exceed 1 year and may be renewed annually.
 2. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.
- C. Farm Roadside Sales/Stand. meeting the following requirements:
1. A minimum of 50 percent of the goods sold shall have been produced by the operator of the stand or his/her family.
 2. Such use may occur within a freestanding stand or within a portion of a dwelling or barn, but the sales area shall not exceed 800 square feet of total floor area.
 3. The use shall be limited to the sale of agricultural, dairy, nursery, greenhouse and closely related products, and shall clearly be accessory to a principal agricultural use.
 4. Any new building shall not be nearer than 100 feet from the centerline of an intersection.
 5. The building shall be maintained in good condition.

6. Parking for vehicles shall be provided off the existing street right-of-way and in compliance with the provisions of Article 15.
 7. A site plan shall be submitted to the Zoning Officer showing any proposed building location, driveways and parking.
- D. Recreational Vehicle, storage of, subject to the following provisions: In all districts, a recreational vehicle or unit with an overall length of longer than 20 feet shall only be stored on a lot outside of the required front yard or in a garage or in a roofed structure. In no case shall a recreational vehicle or unit with an overall length of longer than 20 feet be located within 10 feet of the side or rear lot line. A recreational vehicle shall not be used for living purposes when stored.
- E. Household Swimming Pool, which is man-made and designated to contain a water depth of 24 inches or more, shall only be located, constructed or maintained on any lot or land area except in conformity with the following requirements:
1. A Zoning Permit shall be required.
 2. Such pool shall be located in a rear or side yard only. In no case shall an above or in-ground pool or deck be located within 15 feet of a side or rear lot line, under any electrical lines or over any sewage disposal leaching field, or within 10 feet of any septic tank or sewage disposal leaching field.
 3.
 - a. Every in-ground household swimming pool shall be entirely enclosed with a good quality chain link or wooden, or other equivalent fence of not less than 4 feet in height.
 - b. Above ground pools shall be completely surrounded by: 1) secure continuous walls 4 feet or above in height that prevents easy access by small children from the ground level and/or 2) a fence as described in part 3.a. above. All fences, steps or gates for any pool shall be securely locked to preclude entry when pools are not in use. Any gate shall be self-latching.
 - c. Fences constructed to enclose a swimming pool shall be put in place prior to filling.
 4. A pool together with all private garages or other accessory buildings or structures shall not occupy a total of more than 30 percent of the rear or side yard area.
 5. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
 6. If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.
 7. No permit shall be granted for the installation or construction of any in-ground pool, permanent pool or portable pool having a capacity of 15,000 gallons or more unless a registered professional engineer in Pennsylvania has certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with drainage of public streets.
 8. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property or lot where such pool is located.

9. No lighting or spotlight shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.
- F. Garage, Yard or Similar Sales. No more than 3 garage, yard or similar sales for not more than a total of 6 days shall be allowed in any one calendar year on any individual property.
- G. Keeping of Pets. See Section 1602.DDD.
- H. Raising of Carrier Pigeons, in accordance with State Act 100 of 1965.
- I. Animal Husbandry. The keeping of animals other than pets on 10 acres or more of contiguous land shall be governed by Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act ("ACRE"). All new barns, shelters, structures, pens or other animal husbandry concentrations (excluding grazing and carrier pigeons) shall be located a minimum of 150 feet from any lot line.
- J. Signs in accordance with Article 14.
- K. Amateur Radio Antennae with a maximum total height of 75 feet above the average surrounding ground level provided such antennae:
1. is secured against high winds and
 2. is setback a minimum of 25 feet from any abutting "residential lot line" if such antennae has a height greater than 15 feet. (See also "Satellite Antennas" in Section 1602.RR.)
- L. No-impact Home-based Business. No-impact home-based business as defined in Section 201, subject to the requirements of Section 1602.Y., shall be a permitted accessory use.
- M. Riding Stable. This use shall be permitted as an accessory use to an active farm provided:
1. the minimum lot area is 10 acres and
 2. the use shall not be located any closer than 100 feet to any property line or closer than 200 feet to any street line or dwelling unit other than a farm unit.
- N. Wind Energy Facilities are deemed a permitted accessory use in all zoning districts subject to Additional Requirements for Specific Uses as set forth in Section 1602.EEE.
- O. Solar Energy System. This use shall be permitted as an accessory use to a residential use subject to Additional Requirements for Specific Uses as set forth in Section 1602.FFF.

P. Ground Water Heat Pumps. This use shall be permitted as an accessory use subject to Additional Requirements for Specific Uses as set forth in Section 1602.GGG.

Q. Keeping of Livestock. The keeping of livestock shall be permitted in all zoning districts subject to the following requirements:

1. A minimum lot size of 3 acres is required for the Keeping of Livestock.
2. Numbers of animals and/or grazing units are predicated on the number of “usable acres” on the lot, which excludes residential structures, environmentally sensitive areas (see Article 9), and all applicable setbacks under this Zoning Ordinance. “Usable Acres” is defined as land area which is intended to be used for proper disposal of manure by direct application (see item 5, below).
3. Accessory structures shall be located only in the side or rear yards and no closer than 50 feet from the property lines.
4. The keeping of a combination of grazing and non-grazing animals, and poultry shall be limited to the following:

Usable Acres	Grazing Animal Unit*		Non-Grazing Animal**		Poultry***
First acre	1	or	5	and	25
Each add'l contiguous 1 acre	1	or	5	or	25

* “Grazing Animal” includes, but is not limited to, cows, goats and sheep. Refer to Article 2, definition or “animal, grazing unit”

** “Non-Grazing Animal” includes, but is not limited to, pigs.

*** No more than 2 roosters shall be permitted for every 25 head of poultry.

5. The landowner shall be required to submit a Manure Management Plan or Nutrient Management Plan to be reviewed and kept on file by the Township.
6. The raising of any livestock and/or poultry must comply with Federal and State regulations for the storage and disposal of animal waste.
7. Landowners may not apply manure within the following setback areas, regardless of the slope of the land or the ground cover:
 - a. Within 100 feet of an active private drinking water source such as a well or a spring.
 - b. Within 150 feet of the top of the bank of a perennial or intermittent stream with a defined bed and bank, a lake or a pond. This setback may be reduced to 50 ft if the area between the watercourse/waterbody and the pasture is non-grazed permanent vegetated buffer strip, and it is composed of dense vegetation (a pasture that is managed to minimize bare spots and keep vegetation height to at least 3 inches high throughout the year or maintain an 80% permanent uniform vegetative cover).

R. In-Law Suites. One in-law suite to a single-family detached dwelling shall be permitted, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to

the zoning district wherein the proposed in-law suite is to be constructed or to be used. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is otherwise permitted. The conditions are as follows:

1. The in-law suite shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.
2. In-law suites may contain separate cooking, sleeping, living and bathroom facilities.
3. In-law suites shall be part of the principal residence or may be contained in the existing accessory structure such as a garage. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use.
4. The required off-street parking for the principal dwelling plus 1 additional off street parking space for the in-law suite shall be provided.
5. In-law suites shall be occupied only by related family members such as elderly parents/grandparents or dependent adult children/grandchildren.
6. There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood.
7. No more than 1 in-law suite shall be permitted per single-family detached dwelling.
8. Each in-law suite shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed annually by the Board of Supervisors by resolution.
9. A certification shall be received from the Township Sewage Enforcement Officer or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the in-law suite as defined in this subsection.

406. LOT AREA, WIDTH, BUILDING COVERAGE & HEIGHT REGULATIONS.

- A. The following dimensional requirements in this Section and Section 407 apply to each use permitted in the RC District by right, by condition or by special exception, subject to further applicable provisions of this Ordinance. The most restrictive dimensional requirements for each use shall apply. All land areas shall be served by adequate water supply and by sanitary sewage disposal and treatment in accordance with the Official Sewage Plan of the Township.

LOT REQUIREMENTS - RC DISTRICT

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)
a. Forestry or Crop Farming	3 acres	200'	10% for all Permitted Uses
b. Animal Husbandry	10 acres	200'	
c. Plant Nursery (includes Greenhouse) or Farmstead	3 acres	200'	
d. Single Family Dwelling or Mobile/Manufactured Home	2 acres	150'	
e. Public or Private Primary or Secondary School	4 acres	250'	
f. Public Library, Fire or Police Station or Public Facility Owned by Township	1 acre	150'	
g. Essential Services (which may include buildings)	2 acres	200'	
h. Private or Semi-Public Outdoor Recreation or Church or Other Place of Worship	3 acres	200'	
i. Golf Course	40 acres	300'	
j. Kennel, Veterinarian Office or Animal Hospital	5 acres	300'	
k. Commercial Stable or Riding Academy	10 acres	300'	
m. Campground	10 acres	300'	
n. Single Family Cluster Development	1 acre	*	
o. All Other Permitted Uses**	3 acres	300'	

*In accordance with Article 12

**See also Article 16 for specific use regulations.

- B. Impervious. All uses shall have a maximum impervious coverage of 25 percent.
- C. Slopes. See the steep slope regulations of Section 905, which may require a larger lot.
- D. Height. All buildings shall have a maximum height of 35 feet or 2.5 stories, whichever is more restrictive, except see Section 405 for accessory structures.

407. MINIMUM YARD REQUIREMENTS.

Principal Use	Front Yard or Yard Abutting a Street	Each of 2 Side Yards	Rear Yard
All Permitted Uses	Measured from the centerline of the Ultimate Legal Street Right-of-Way: - Abutting an Arterial Street: 90 feet - Abutting a Collector Street: 80 feet - Abutting a Local Street: 75 feet - Abutting any Other Lot Line: 50 feet	20 feet	50 feet

408. APPALACHIAN TRAIL SETBACK.

- A. The Appalachian Trail. This trail shall be considered to be along the current route officially defined by the National Park Service and the Appalachian Trail Conference.
- B. Building Setback. No building shall be constructed within 150 feet of the centerline of the cleared portion of the Appalachian Trail.
- C. Structure and Paving Setback. No structure, no paving and no off-street parking shall be constructed within 50 feet of the centerline of the cleared portion of the Appalachian Trail.

409. EXCEPTION TO MINIMUM LOT AREAS.

- A. Intent. To provide for the long-term preservation of agricultural land and open space, the owners of tracts in the RC District may desire an economic alternative to the total development of these areas. Given the nature of farm operations and the economic outlook for farming in the region, it may be desirable and necessary for some owners of agricultural and open space lands to periodically develop part of their holdings to subsidize the continued agricultural or open space use of the remainder of their land. This section will provide for the preservation of agricultural and open space areas through the partial development of such areas in accordance with the following provisions.
- B. The dimensional requirements of Section 406 shall not apply to up to 10 percent of the area of any lot of record including 10 or more acres as of the adoption of this Ordinance located in the RC District, provided the following standards are observed in such area:

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (ft.)
Single Family Detached Dwelling or Mobile/Manufactured Home	1 acre	140'	10%	35'

- C. The remaining 90 percent of the area of each lot of record shall comply with the requirements of the RC District and the dimensional requirements of Section 406, regardless of any change in ownership.

ARTICLE 5

RR - RURAL RESIDENTIAL DISTRICT

500. **PURPOSE.** The purpose of this District is to retain and continue agricultural pursuits while allowing a rural residential character, and to encourage the preservation of permanent open space, including wooded area, steep slope areas and stream valleys, by providing appropriate development standards and compatible uses.
501. **USE REGULATIONS.** A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other, subject to the applicable provisions of this Ordinance.
502. **USES PERMITTED BY RIGHT.** The following uses and their accessory uses are permitted by right by the Zoning Officer within the requirements for certain specific uses in Article 16 and within all other requirements of this Ordinance:
- A. Forestry
 - B. Crop Farming
 - C. Animal Husbandry
 - D. Plant Nursery (includes Greenhouse)
 - E. Farmstead and related accessory buildings necessary for farm operations
 - F. Single Family Detached Dwelling (which may include "modular" construction)
 - G. Mobile/Manufactured Home
 - H. Essential Services (excluding buildings)
 - I. Group Home within a lawful dwelling unit (see Article 16)
 - J. Church or Other Place of Worship
 - K. Cemetery
 - L. Public Facility Owned or Operated by the Township.
503. **PERMITTED CONDITIONAL USES.** The following conditional uses and their accessory uses may be permitted by the Board of Supervisors following a review and recommendation by the Planning Commission in accordance with the provisions of Article 1, any applicable provisions for certain specific uses in Article 16 and any other applicable provisions of this Ordinance.
- A. Public or Private Primary or Secondary School licensed by the Department of Education except such uses as commercial dance and music studios, day care centers and institutions of correction and detention.
 - B. Public Library, Fire or Police Station
 - C. Single Family Cluster Development (in accordance with Article 12)
 - D. Essential Services (including buildings)
 - E. Conversion of existing single family detached dwelling to result in a total maximum of 3 dwelling units.
 - F. Private Use Heliport

504. **USES PERMITTED BY SPECIAL EXCEPTION.** The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of this Ordinance and of Article 16.

- A. Private or Semi-Public Outdoor Recreation Area such as parks, playgrounds, picnic grounds, swim clubs or camps.
- B. Golf Course, not including commercial driving range or miniature golf course.
- C. Kennel, Veterinary Office or Animal Hospital
- D. Riding Stable
- E. Membership Club
- F. Campground
- G. Home Occupation, General as an accessory use
- H. Rooming or Boarding House
- I. Mobile Home for Operating Farm
- J. Bed and Breakfast Use

505. **ACCESSORY USES.** Accessory uses on the same lot and customarily incidental to a lawful use are permitted by right. The term "accessory use" shall not include a business other than a permitted home occupation or other specifically permitted use, but may include the following uses which shall comply with all yard regulations and applicable provisions listed below:

- A. Any accessory use permitted in the RC District, within the same requirements as that District.

506. **LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS.**

- A. The following dimensional requirements in this Section and Section 507 apply to each use permitted in the Rural Residential District by right, by condition or by special exception, subject to further applicable provisions of this Ordinance. The most restrictive dimensional requirement for each use shall apply. All land areas shall be served by adequate water supply and by sanitary sewage disposal and treatment in accordance with the Official Sewage Plan of the Township.

LOT REQUIREMENTS - RR DISTRICT

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)
a. Forestry or Crop Farming	1.5 acres	150'	15% for all
b. Animal Husbandry	10 acres	200'	Permitted Uses
c. Single Family Dwelling, Single Family Modular Dwelling, Single Family Mobile Home Dwelling or Farmstead	1 acre	140'	Except 10% for Animal
d. Public or Private Primary or Secondary School	4 acres	250'	Husbandry, and
e. Public Library, Fire or Police Station or Public Facility Owned by Township	1 acres	150'	See Article 12
f. Essential Services (incl. Buildings)	1 acre	130'	for a Single
g. Single Family Cluster Development	10 acres	*	Family Cluster
h. Private or Semi-Public Outdoor Recreation or Church or Other Place of Worship	2 acres	200'	Development
i. Golf Course	40 acres	300'	
j. Kennel, Veterinarian Office or Animal Hospital	5 acres	300'	
k. Commercial Stable or Riding Academy	10 acres	300'	
l. Campground	5 acres	300'	
m. Plant Nursery (includes Greenhouse)	3 acres	200'	
n. All Other Permitted Uses***	2 acres	150'	

* In accordance with Article 12.

** In accordance with Article 16.

***See also Article 16 for specific use regulations.

B. Impervious. All non-residential uses shall have a maximum impervious coverage of 30 percent, except: a) 20 percent for a campground, golf course or outdoor recreation area, and b) 50 percent for any other permitted non-residential principal use.

C. Slopes. See also the steep slope regulations of Section 905, which may require a larger lot area.

D. Height. All buildings shall have a maximum height of 2.5 stories or 35 feet, whichever is more restrictive.

507. MINIMUM YARD REQUIREMENTS.

Principal Use	Front Yard or Yard Abutting a Street	Each of 2 Side Yards	Rear Yard
All Permitted Uses	Measured from the centerline of the Ultimate Legal Street Right-of-Way: - Abutting an Arterial Street: 90 feet - Abutting a Collector Street: 80 feet - Abutting a Local Street: 75 feet - Abutting any Other Lotline: 50 feet	20 feet	50 feet

ARTICLE 6

V VILLAGE DISTRICT

600. **PURPOSE.** The purpose of this District is to provide areas that are readily accessible to Township residents and others for a variety of retail and personnel service uses. The Development standards applied will help to ensure compatibility with nearby residential uses and to help provide a desirable and safe center for village and related uses.
601. **USE REGULATIONS.** A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other, subject to the applicable provisions of this Ordinance.
602. **USES PERMITTED BY RIGHT.** The following uses and their accessory uses are permitted by right by the Zoning Officer provided that all requirements of this Ordinance are met, including but not limited to requirements for specific uses in Article 16. See Section 115 which requires Site Plan Review by the Planning Commission and the Board of Supervisors for many types of uses.
- A. Forestry
 - B. Crop Farming
 - C. Animal Husbandry
 - D. Plant Nursery or Greenhouse
 - E. Farmstead and related accessory buildings necessary for farm operations
 - F. Farm Roadside Stand (within the requirements of Section 405)
 - G. Essential Services (excluding buildings)
 - H. Cultural Facility, including art galleries, auditoriums, libraries or museums open to the public or connected with a permitted educational use.
 - I. Community Center, Adult Education Center or similar facility operated by an educational, philanthropic or religious institution.
 - J. Commercial Recreation, Miniature Golf, Swimming Pool and other similar entertainment activities.
 - K. Private Commercial Educational Institution including school for dance, music, art, drama and other similar activities.
 - L. Retail Store
 - M. Restaurant
 - N. Shop or Store for the retail sale of antiques, books, beverages, confections, drugs, dry goods, flowers, food-stuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint and wearing apparel and other similar goods.
 - O. Personal Services, including barber, beautician, laundry and dry-cleaning, shoe repair, tailor, photographer, caterer, health club, travel agency
 - P. Repair Services such as shops for appliances, watches, guns, bicycles and locks.

- Q. Professional Services including but not limited to offices of realtors, physicians, lawyers, clergymen, teachers, dentists, architects, engineering, insurance agents, opticians and medical and related offices.
- R. Bank or Other Financial Institution
- S. Business, Administrative or Professional Offices
- T. Medical and/or Dental Center
- U. Public Facilities Owned or Operated by the Township
- V. Funeral Home
- W. Day Care Center
- X. Church or Other Place of Worship
- Y. Auction House
- Z. Office or Clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
- AA. Group Home within a lawful dwelling unit (see Article 16)
- BB. Cemetery
- CC. Single-Family Detached Dwelling
- DD. Mobile/Manufactured Home

603. PERMITTED CONDITIONAL USES. The following conditional uses and their accessory uses may be permitted by the Board of Supervisors following a review and recommendation by the Planning Commission in accordance with the provisions of Article 16 for certain specific uses and any other applicable provisions of this Ordinance.

- A. Auto Service Station
- B. Membership Club
- C. Bus or Taxi Cab Terminal
- D. Hospital
- E. Nursing Home or Personal Care Home
- F. Veterinary Office or Animal Hospital
- G. Essential Services (including buildings)
- H. Conversion of existing single family detached dwelling to a two-family, single family attached or multi-family dwelling limited to three dwelling units.
- I. Indoor Theater
- J. Restaurant with or without Drive-in Service
- K. Retail and Wholesale Activities with all materials stored within buildings and retailed for sale to the general public.
- L. Self-Storage Development
- M. Auto Repair Garage
- N. Private Use Heliport
- O. Two-Family Dwelling

604. USES PERMITTED BY SPECIAL EXCEPTION. The following use and its accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Article 16.

- A. Any use of the same general character as those uses permitted by right and condition in the V District. Evidence shall be submitted documenting the similarity and

difference between the proposed uses and the uses permitted by right or condition to which the proposed use is most similar.

B. Bed and Breakfast Use.

605. **ACCESSORY USES.** Accessory uses on the same lot and customarily incidental to lawful uses are permitted by right. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them.

A. Accessory buildings such as garages and ancillary buildings related to the proposed use and meeting the same yard requirements as the principal buildings, including but not limited to accessory uses permitted in the RC District.

B. Off-Street Parking and Loading Areas in accordance with Article 15.

C. Signs in accordance with Article 14.

D. Temporary Structures or Uses, in accordance with Section 405.B.

E. Outdoor Storage Use Areas for equipment supplies and materials provided that they are screened from view of dwellings and streets within the requirements of Section 1106.

F. The storage of crude oil or any of its volatile products or other highly inflammable liquids as an accessory use in underground tanks provided that no individual tank shall have a capacity greater than 10,000 gallons.

G. Fences and Walls.

1. Fences and Walls are permitted in the side and rear yard areas shall not be more than 80 percent solid, nor exceed 8 feet in height and not be closer than 3 feet to a property line.

2. Fences or walls placed in the required minimum front yard shall be of a decorative type and shall not be more than 25 percent solid, nor exceed 6 feet in height, nor closer than 10 feet to a street right-of-way and 3 feet from any other lot line.

3. Fences outside of the required yard areas may be up to 8 feet in height and shall not be more than 80 percent solid.

4. See also Section 1107.

5. Fences within a drainage easement shall not be of a type of construction or placement that would obstruct stormwater flow. Any fence within a drainage easement shall be removed by the property-owner if stormwater would be obstructed or if the easement needs to be improved for stormwater purposes.

H. Animal Husbandry - All new barns, shelters, structures, pens or other animal husbandry concentrations shall be located a minimum of 500 feet from any existing dwelling on another lot and 150 feet from any lot line, unless the owner of all such

abutting property waives such setback in writing. This provision shall not apply to freely grazing animal husbandry practices.

- I. Home Occupation - General or Light.
- J. No-impact Home-based Business. No-impact home-based business as defined in Section 201, subject to the requirements of Section 1602.Y., shall be a permitted accessory use.
- K. Wind Energy Facilities are deemed a permitted accessory use in all zoning districts subject to Additional Requirements for Specific Uses as set forth in Section 1602.EEE.
- L. Solar Energy System. This use shall be permitted as an accessory use subject to Additional Requirements for Specific Uses as set forth in Section 1602.FFF.
- M. Ground Water Heat Pumps. This use shall be permitted as an accessory use to a residential use subject to Additional Requirements for Specific Uses as set forth in Section 1602.GGG.
- N. Keeping of Livestock. The keeping of livestock shall be permitted in all zoning districts subject to the following requirements:
 - 1. A minimum lot size of 3 acres is required for the Keeping of Livestock.
 - 2. Numbers of animals and/or grazing units are predicated on the number of “usable acres” on the lot, which excludes residential structures, environmentally sensitive areas (see Article 9), and all applicable setbacks under this Zoning Ordinance. “Usable Acres” is defined as land area which is intended to be used for proper disposal of manure by direct application (see item 5, below).
 - 3. Accessory structures shall be located only in the side or rear yards and no closer than 50 feet from the property lines.
 - 4. The keeping of a combination of grazing and non-grazing animals, and poultry shall be limited to the following:

Usable Acres	Grazing Animal Unit*		Non-Grazing Animal**		Poultry***
First acre	1	or	5	and	25
Each add'l contiguous 1 acre	1	or	5	or	25

* “Grazing Animal” includes, but is not limited to, cows, goats and sheep. Refer to Article 2, definition or “animal, grazing unit”

** “Non-Grazing Animal” includes, but is not limited to, pigs.

*** No more than 2 roosters shall be permitted for every 25 head of poultry.

5. The landowner shall be required to submit a Manure Management Plan or Nutrient Management Plan to be reviewed and kept on file by the Township.
 6. The raising of any livestock and/or poultry must comply with Federal and State regulations for the storage and disposal of animal waste.
 7. Landowners may not apply manure within the following setback areas, regardless of the slope of the land or the ground cover:
 - a. Within 100 feet of an active private drinking water source such as a well or a spring.
 - b. Within 150 feet of the top of the bank of a perennial or intermittent stream with a defined bed and bank, a lake or a pond. This setback may be reduced to 50 ft if the area between the watercourse/waterbody and the pasture is non-grazed permanent vegetated buffer strip, and it is composed of dense vegetation (a pasture that is managed to minimize bare spots and keep vegetation height to at least 3 inches high throughout the year or maintain an 80% permanent uniform vegetative cover).
- O. In-Law Suites. One in-law suite to a single-family detached dwelling shall be permitted, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed in-law suite is to be constructed or to be used. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is otherwise permitted. The conditions are as follows:
1. The in-law suite shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.
 2. In-law suites may contain separate cooking, sleeping, living and bathroom facilities.
 3. In-law suites shall be part of the principal residence or may be contained in the existing accessory structure such as a garage. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use.
 4. The required off-street parking for the principal dwelling plus 1 additional off street parking space for the in-law suite shall be provided.
 5. In-law suites shall be occupied only by related family members such as elderly parents/grandparents or dependent adult children/grandchildren.
 6. There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood.
 7. No more than 1 in-law suite shall be permitted per single-family detached dwelling.
 8. Each in-law suite shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed annually by the Board of Supervisors by resolution.

9. A certification shall be received from the Northampton County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the in-law suite as defined in this subsection.

606. LOT AREA, WIDTH, BUILDING COVERAGE & HEIGHT REGULATIONS.

- A. The following dimensional requirements in this Section and Section 607 apply to each use permitted in the V District by right, by condition or by special exception, subject to further applicable provisions of this Ordinance. The most restrictive dimensional requirements for each use shall apply. All land areas shall be served by adequate water supply and by sanitary sewage disposal and treatment in accordance with the Official Sewage Plan of the Township.

LOT REQUIREMENTS - V DISTRICT

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (ft)*
Animal Husbandry	10 acres	200'	20%	35'
Crop Farming	3 acre	200'	20%	35'
Bank or Other Financial Institution or Retail & Wholesale Activities	1 acre	130'	35%	35'
Church or Other Place of Worship or Hospital	2 acres	200'	35%	35'
Single-Family Detached Dwelling or Mobile/Manufactured Dwelling	1 acre**	140'	35%	50'
Two-Family Dwelling	1 acre**	140'	35%	35'
All Other Permitted Uses***	2 acre** 1 acre	140' 130'	35% 35%	35' 50'

- * Maximum of 2.5 stories.
- ** Except a minimum lot area of 40,000 sq.ft. and a minimum lot width of 130 feet if served by an approved central water system.
- *** See also Article 16 for specific use regulations.

- B. Impervious. All uses shall have a maximum impervious coverage of 70 percent.
- C. Slopes. See the steep slope regulations of Section 905, which may require a larger lot area.

607. **MINIMUM YARD REQUIREMENTS.** The following minimum requirements shall apply in the V District:

Principal Use	Front Yard or Yard Abutting a Street	Each of 2 Side Yards	Rear Yard
All Permitted Uses	Measured from the centerline of the Ultimate Legal Street Right-of-Way: - Abutting an Arterial Street: 90 feet - Abutting a Collector Street: 80 feet - Abutting a Local Street: 75 feet - Abutting any Other Lotline: 50 feet	20 feet	50 feet

608. **SITE PLAN REVIEW.** See Section 115.

ARTICLE 7

GC/I - GENERAL COMMERCIAL / INDUSTRIAL DISTRICT

700. **PURPOSE.** The purpose of this District is to provide areas that are readily accessible via major highways to Township residents and others for a wide variety of retail and personnel service uses and to provide for desirable locations for modern industrial uses that are harmonious with surrounding uses. Development and performance standards will help ensure compatibility with nearby residential uses and also help provide a desirable and safe center for commercial, industrial and related uses.
701. **USE REGULATIONS.** A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other, subject to the applicable provisions of this Ordinance.
702. **USES PERMITTED BY RIGHT.** The following uses and their accessory uses are permitted by right in the GC/I district by the Zoning Officer provided that all requirements of this Ordinance are met, including but not limited to requirements for specific uses in Article 16. See Section 115 which requires Site Plan Review by the Planning Commission and the Board of Supervisors for many types of uses.
- A. Forestry
 - B. Crop Farming
 - C. Animal Husbandry
 - D. Plant Nursery or Greenhouse
 - E. Farmstead and Related Accessory Buildings necessary for farm operations
 - F. Farm Roadside Stand (within the requirements of Section 405)
 - G. Essential Services (excluding buildings)
 - H. Cultural Facility including art galleries, auditoriums, libraries or museums open to the public or connected with a permitted educational use.
 - I. Community Center, Adult Education Center or similar facility operated by an educational, philanthropic or religious institution.
 - J. Auction House or Flea Market
 - K. Commercial Recreation including golf driving range, miniature golf, swimming pool and other similar entertainment activities.
 - L. Private Commercial Educational Institution including school for dance, music, art, drama and other similar entertainment activities.
 - M. Variety Store including department store, retail stores and the like.
 - N. Restaurant
 - O. Shop or Store for the retail sale of antiques, books, beverages, confections, drugs, dry goods, flowers, food-stuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint and wearing apparel and other similar goods.
 - P. Personal Services, including barber, beautician, laundry and dry-cleaning, shoe repair, tailor, photographer, caterer, health club and travel agency.
 - Q. Repair Services such as shops for appliances, watches, guns, bicycles and locks.

- R. Professional Services including but not limited to offices of realtors, physicians, lawyers, clergymen, teachers, dentists, architects, engineering, insurance agents, opticians and medical and related offices.
- S. Financial Institution
- T. Business, Administrative or Professional Offices
- U. Office or Clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
- V. Medical and/or Dental Offices
- W. Public Facilities Owned or Operated by the Township
- X. Membership Club
- Y. Funeral Home
- Z. Day Care Center, Child as principal or accessory use
- AA. Indoor Theater
- BB. Publishing, Printing, Lithographing, Bookbinding or similar establishment
- CC. Research Laboratory or similar experimental testing or scientific establishment
- DD. Warehouse, Wholesale, Storage or Distribution Use, other than trucking company terminal
- EE. Manufacturer, Assembly or Treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather and fur (excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shell, textiles and tobacco.
- FF. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard; jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys; wood products (excluding paper pulp mills).
- GG. Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
- HH. Manufacture and assembly of electrical or electronic devices; home commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators and air-conditioners.
- II. Processing and Combining of Food Products (except a slaughterhouse or stockyard), including baking, canning, cooking, freezing and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
- JJ. Light Metal Processes such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
- KK. Bottling, Packing or Packaging Establishment
- LL. Commercial Laundry

- MM. Manufacture of Paper or Cardboard Boxes, Envelopes, Containers and Novelties from previously prepared Paper or Cardboard
- NN. Self-Storage Development (see Article 16)
- OO. Group Home within a lawful dwelling unit (see Article 16)
- PP. Car Wash
- QQ. Cemetery
- RR. Excavating Contractor
- SS. Contractor Office

703. **PERMITTED CONDITIONAL USES.** The following conditional uses and their accessory uses may be permitted by the Board of Supervisors in the GC/I district following a review and recommendation by the Planning Commission in accordance with the provisions of Article 16, any other applicable provisions listed herein.

- A. Shopping Center
- B. Motel or Hotel
- C. Auto Service Station
- D. Restaurant with Drive-In Service
- E. Automobile, Truck, Mobile Home, Boat and Recreational Vehicle Sales, outdoors or indoors
- F. Wholesale sales provided all materials are stored within buildings.
- G. Automobile Repair Garage or Auto Body Shop with painting, body and fender work performed within an enclosed building.
- H. Solid Waste Transfer Station or Sanitary Landfill
- I. Bus or Taxi Cab Terminal
- J. Junkyard
- K. Hospital
- L. Nursing Home or Personal Care Home
- M. Veterinary Office/Animal Hospital
- N. Essential Services (including buildings)
- O. Conversion of existing single family detached dwelling to a two-family, single family attached or multi-family dwelling limited to 3 dwelling units
- P. Planned Industrial, Office or Research Park including permitted uses
- Q. Solid Waste-to-Energy Facility
- R. Private Use Heliport
- S. Airport
- T. Trucking Company Terminal
- U. Adult Day Care Center
- V. Private, Nonprofit Recreation or Education Facility, such as company-sponsored recreation and technical training institutes.
- W. Public or Private Primary or Secondary School licensed by the Department of Education except such uses as commercial dance and music studios, day care centers and institutions of correction and detention.

704. **USES PERMITTED BY SPECIAL EXCEPTION.** The following use and its accessory uses may be permitted when authorized as a special exception in the GC/I district by the Zoning Hearing Board, subject to the provisions of Article 16.

- A. Any use that the applicant proves to the satisfaction of the Zoning Hearing Board will be the same general character as those uses permitted by right and condition in the GC/I District. Evidence shall be submitted documenting the similarity and difference between the proposed uses and the uses permitted by right or condition to which the proposed use is most similar.
- B. Treatment Center
- C. Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Massage Parlor - See Article 16
- D. Tavern or Nightclub

705. **ACCESSORY USES.** Accessory uses on the same lot and customarily incidental to the permitted uses are permitted by right in the GC/I district. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them.

- A. Any accessory use permitted in the V - Village District.
- B. Any accessory uses permitted in the RC District, except in the use of Animal Husbandry, all barns, shelters, structures, pens or other animal husbandry concentrations shall be located a minimum of 500 feet from any existing dwelling on another property and 150 feet from any property line. This provision shall not apply to freely grazing animal husbandry practices.

706. **LOT AREA, WIDTH, BUILDING COVERAGE & HEIGHT REGULATIONS.**

- A. The following dimensional requirements in this Section and Section 707 apply to each use permitted in the GC/I District by right, by condition or by special exception, subject to further applicable provisions of this Ordinance. The most restrictive dimensional requirements for each use shall apply.
- B. All land areas shall be served by adequate water supply and by sanitary sewage disposal and treatment in accordance with the Official Sewage Plan of the Township.

LOT REQUIREMENTS - GC/I DISTRICT

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)
a. Crop Farming	1 acre	130'	20%
b. Hotel or Motel	5 acres	250'	25%
c. Shopping Center	10 acres	400'	25%
d. Auto, Truck, Mobile/ Manufactured Home, Boat Sales w/Outdoor Storage and Display	2 acres	130'	35%
e. Retail and Wholesale Activities, Financial Institution or Medical or Dental Offices	1 acre	130'	35%
f. Church or Other Place of Worship	2 acres	130'	35%
g. Hospital	2 acres	200'	30%
h. Permitted Industrial or Manufacturing Use	2 acres	150'	40%
i. Waste-to-Energy Facility	5 acres	200'	25%
j. Animal Husbandry	10 acres	200'	20%
k. All Other Permitted Uses*	1 acre	130'	35%

*See also Article 16 for specific use regulations.

- C. Impervious. All uses shall have a maximum impervious coverage of 70 percent on a lot area of up to 2 acres and 60 percent if the lot area is over 2 acres.
- D. Any commercial or industrial building shall be setback a minimum of 80 feet from a residential lot line.
- E. Any area routinely used for the parking, storage, loading or unloading of tractor-trailer trucks shall be setback a minimum of 100 feet from a residential lot line.
- F. See the steep slope requirements of Section 905.
- G. Height. All buildings shall have a maximum height of 50 feet or 2.5 stories, whichever is more restrictive.

707. **MINIMUM YARD REQUIREMENTS.**

A. The following minimum yard requirements shall apply within the GC/I district:

Principal Use	Front Yard or Yard Abutting a Street**	Side Yard*		Rear Yard
		One	Both	
a. Shopping Center	Measured from the centerline of the Ultimate Legal Right-of-Way: - Abutting an Arterial Street: 90 ft - Abutting a Collector Street: 80 ft - Abutting a Local Street: 75 ft - Abutting any Other Lotline: 50 ft	80 feet	150 feet	50 feet
b. Hospital		45 feet	90 feet	45 feet
c. Motel or Hotel		50 feet	100 feet	45 feet
d. Permitted Industrial or Manufacturing Uses		40 feet	90 feet	50 feet
e. Waste-to-Energy Facility		100 feet	200 feet	100 feet
f. All Other Permitted Uses		15 feet	40 feet	40 feet

* No side yard required if the building is attached to an adjacent building on an adjacent lot.

** Except 50 feet additional for a Shopping Center, Motel/Hotel or Waste-to-Energy Facility.

B. Additional Setback. Any non-residential principal building shall be setback a minimum of 80 feet from a "residential lot line" unless a more restrictive requirement is established by another section of this Ordinance.

C. Site Plan Review. See Section 115.

ARTICLE 8

COMMERCIAL COMMUNICATION TOWERS AND ANTENNAS

800. PURPOSE - The purpose of this regulation is to provide a uniform and comprehensive set of standards for the development and installation of new commercial communication towers and antennas. The regulations contained herein are designed to protect and promote public health, safety, and the general welfare of the community while ensuring that new commercial communication towers will be safe and be placed in suitable locations and, at the same time, not unduly restrict the development of needed telecommunications facilities. These regulations will also help in ensuring that municipal land use regulations are in compliance with the Federal Telecommunications Act of 1996. It is intended that the Municipality shall apply these regulations to accomplish the following:

- A. Minimize adverse visual effects of commercial communication towers and antennas and related facilities through design and siting standards.
- B. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunication services and high quality telecommunication infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the municipality's emergency services network.
- C. Provide requirements necessary for obtaining approval to site and construct commercial communications towers and antennas while at the same time protecting the legitimate interests of the municipality's citizens.
- D. Protect environmentally sensitive areas of the municipality by regulating the location, design and operations of telecommunications facilities.
- E. Encourage the use of alternative support structures, co-location of new antennas on existing commercial communications towers, camouflaged towers, monopoles and construction of towers with the ability to locate 3 or more providers.

801. DEFINITIONS

- A. Alternative Tower Structure – Includes but is not limited to man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of commercial communications towers and antennas.
- B. ANSI – The American National Standards Institute, a non-profit, privately funded membership organization that coordinates the development of U.S. voluntary national standards and is the U.S. representative to non-treaty international standards setting entities including the International Organization for Standardization (ISO) and the International Electrotechnical Commission.
- C. Cellular Telephone – A system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

- D. Commercial Communications Antenna – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
- E. Commercial Communications Tower – A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Commercial Communication Antennas.
- F. Fall Zone – The area on the ground within a prescribed radius from the base of a Commercial Communication Tower. The Fall Zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communication tower. The Fall Zone shall be determined by the applicant's engineer and reviewed by the municipal engineer.
- G. Height of Tower – The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.
- H. Public Utility Transmission Tower – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

802. DISTRICT REQUIREMENTS

- A. Commercial Communication Towers shall not be permitted in any residential zoning district, except as herein provided.
- B. Commercial Communication Towers shall be allowed as principal or accessory uses as follows:
 - 1. By Special Exception use in Rural Conservation district.
- C. Commercial Communication Antenna shall be permitted in all zoning districts if placed on an existing commercial communications tower, Public Utility Transmission Tower, farm structure, or placed on any structure other than a single-family detached dwelling, duplex dwelling, townhouse dwelling or any other residential structure. Commercial Communication antennas shall not be permitted on any residential accessory structure. A structure shall not include, for these purposes, concrete or macadam pavement and/or a concrete slab. Further, the municipality shall require a visual impact analysis, as described in requirement Section 802.D.3 below, to be performed to ensure that any adverse visual impact created by the commercial communication antenna is mitigated.

D. Specific Use and Special Exception Requirements

1. Site Plan – A site plan shall be prepared and submitted for any proposed commercial communication tower pursuant to applicable zoning ordinance requirements regarding preparation of a site plan. No site plan is required for commercial communication antennas which are co-located on an existing commercial communication tower or structure, as described in Section 802.C above.
2. Setback – A commercial communication tower, attached to the ground, shall be setback to the most restrictive of the following: a minimum distance equal to its full height from the nearest property or lease lot lines and existing street right-of-way lines, or the distance measured to the nearest property or lease line equal to the commercial communications tower fall zone.
3. Visual Impact Analysis – The applicant shall be required to undertake a visual impact analysis on any proposed commercial communications tower or any proposed modification to an existing tower which causes said tower to exceed 30 feet in height from its original permitted height. The visual impact analysis, in the form of a written and photographic report, shall assess the cumulative impacts of the proposed facility and other existing and foreseeable commercial communications towers in the area, and shall identify and include all feasible mitigation measures necessary to mitigate any negative visual impact by the proposed tower. Mitigation measures should be consistent with the technological requirements of the applicant. All costs for the visual impact analysis, and applicable administrative costs, shall be borne by the applicant. The visual impact analysis report shall include but not be limited to the following:
 - (a) A photograph simulation of pre-development versus post-development views from key viewpoints, as established by the municipality, both inside and outside of the municipality;
 - (b) An analysis of alternative tower structure design and color schemes;
 - (c) An analysis of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.

The municipality shall review and consider all information presented in the report. Measures necessary to mitigate any negative visual impact created by the proposed tower shall be provided and implemented as required by the municipality.

E. National Environmental Policy Act (NEPA) – The applicant shall demonstrate that all NEPA requirements, where applicable, for any proposed commercial communication tower and/or antenna facilities have been met. A copy of the NEPA required Environmental Assessment (EA) report shall be submitted when the proposed commercial communication tower and/or antenna falls into one or more of the following categories:

1. Facilities that are to be located in an officially designated wilderness area;
2. Facilities that are to be located in an official designated wildlife preserve;
3. Facilities that may affect listed threatened or endangered species or designated critical habitats;

4. Facilities that are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973;
5. Facilities that may affect districts, sites, buildings, structures or objects, significant in American History, architecture, archaeology, engineering or culture, that are listed, or are eligible for listing in the National Register of Historic Places;
6. Facilities that may affect a Native American religious site;
7. Facilities whose construction will involve significant change to surface features including but not limited to wetlands, deforestation or water diversion;
8. Facilities located within a flood plain;
9. Facilities that are to be equipped with high intensity white lights located in residential neighborhoods.

The applicant shall notify the municipality at least 30 days prior to any hearing or consideration of the Environmental Assessment report by the FCC. The applicant shall provide, to the municipality, documentation demonstrating how any negative impact on the features noted above will be mitigated.

- F. Base – The base of a commercial communication tower shall be surrounded by a secure fence with a minimum height of 8 feet.
- G. Landscaping – The following landscaping shall be required to screen the fence surrounding the tower and any other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping may be permitted, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
 1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity.
 2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Parking – A minimum of 2 off-street parking spaces shall be provided for a commercial communication tower.
- I. Equipment Shelter – Information shall be provided detailing the contents of the proposed equipment shelter servicing the proposed commercial communication tower and/or antenna. The information shall include, but not be limited to, the type and quantity of oil, gasoline, batteries, propane, natural gas or any other fuel stored within the shelter. Information shall also be submitted which demonstrates that any hazardous materials stored on site including, but not limited to, fuel sources shall be housed to minimize the potential for any adverse impact on adjacent land uses. "Materials Safety Data Sheets" for any hazardous material stored or utilized in the equipment shelter shall be submitted

to the municipality. The use of fuels and hazardous materials shall also be consistent with any municipal requirements regarding the same.

- J. Wind Resistance – For any commercial communication tower or antenna higher than 50 feet, the applicant shall provide certification from a registered professional engineer stating that the commercial communication tower or antenna meets the wind resistance requirements stated in the latest version of the National Building Code. Alternately, the applicant shall provide certification from a registered professional engineer that the commercial communication tower or antenna is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. The registered professional engineer shall also certify to the overall structural integrity of the commercial communication tower or antenna.
- K. Federal Aviation Administration (FAA) –
1. Documentation of FAA approval for commercial communication towers or antennas exceeding 200 feet in height, shall be provided. Commercial communication towers or antennas less than 200 feet in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended, the provisions of which are incorporated herein.
 2. No commercial communications tower or antenna shall be artificially lighted except when required and approved by the FAA, or the Township.
- L. Appalachian Trail Coordination – The applicant for any proposed commercial communication tower or antenna located within 1 mile of the Appalachian National Scenic Trail shall notify the Appalachian Trail Conference and/or the federal Appalachian Trail Park Office of its intent to place such structure. Any comments received by either agency shall be considered by the municipality and integrated into the visual impact analysis. Any comments received from either agency shall also be incorporated into any Environmental Impact Assessment report prepared in support of the commercial communication tower and/or antenna.
- M. Airport Coordination – The applicant for a proposed commercial communication tower or antenna, located within a 5 mile radius of an existing airport, shall notify the airport of its intent to place such structure(s). Any comments received from the airport shall be considered by the municipality in the processing of the application for the proposed commercial communications tower or antenna.
- N. Federal Communications Commission (FCC) –
1. Documentation that the commercial communication company is licensed by the FCC shall be provided.
 2. Documentation of FCC approval for the proposed commercial communication tower or antenna shall be provided.
 3. Documentation demonstrating that the proposed commercial communication tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic or radio frequency radiation shall be provided within 90 days of the facility becoming operational. Such

documentation shall then be provided, to the municipality, on an annual basis from the date the facility becomes operational. The municipality may secure the services of a qualified independent radio frequency engineer to review the documentation and conduct tests, as necessary, to verify said documentation. The engineer shall state in a written report that the radio frequency radiation measurements are accurate and either conform or not conform to any and all FCC standards. Should the facility not meet FCC standards, the municipality shall make a formal complaint, in writing, to the FCC. The applicant shall be copied on any complaint filed with the FCC by the municipality.

4. Any applicant for a proposed commercial communication tower and/or antenna site exceeding FCC standards regarding human exposure to electromagnetic or radio frequency radiation shall submit to the municipality a copy of the Environmental Assessment report required under NEPA prior to submitting to the FCC. The municipality may review the report and provide commentary to the FCC for its consideration.

O. Documentation of Need –

1. The commercial communication company shall demonstrate, using technological evidence, that the tower and/or antenna must go where it is proposed in order to satisfy its function pursuant to the company's technological requirements.
2. Prior to proposing the construction of a new commercial communications tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing structure within close proximity of the chosen site.

- P. Removal of Commercial Communications Towers and Antennas – If a commercial communication tower and/or antenna remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within 6 months of notice to do such by the municipality. Further, the owner, or operator of the tower and/or antenna, shall post security in a form acceptable to the municipality favoring the municipality in an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the municipality in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within 6 months of notification by the municipality.

- Q. Annual Permit and Fee – Twelve months after a commercial communication tower and/or antenna becomes operational, an inspection shall be performed by the municipality or its designated agent to verify that the proposed facility continues to meet the requirements found in this ordinance. The inspection shall consist of, but not be limited to, review of the developed site condition versus the requirements of this ordinance, preparation of the annual radio frequency analysis as described in item number N.3. above. Upon completion of the inspection, the municipality shall permit or not permit the facility to continue operation. The municipality may attach conditions to any permit. Said conditions shall be met within 30 days of the issuance of a permit. Failure to meet the conditions within 30 days of permit issuance shall result in revocation of the permit and closing of the facility.

R. Exemptions –

1. A commercial communication tower or antenna necessary for and clearly primarily used for emergency communications by the Township police department, Township fire company, Township emergency medical service and other similar Township public safety organizations, is exempt from these requirements.
2. The use of all television antenna and satellite dishes unless otherwise regulated by municipal zoning.
3. Amateur Radio and/or Receive Only Antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator or, is used exclusively for receive only antennas unless otherwise regulated by municipal zoning.
4. Mobile services providing public information coverage of news event of a temporary or emergency nature.
5. Utility pole mounted commercial communications antennas if the height of the antenna is 30 feet or less above the highest part of the utility pole.

ARTICLE 9

NATURAL RESOURCE PROTECTION

900. **PURPOSE.** To protect the high quality natural resources found within the Township in order to maintain the characteristics of the neighborhoods and overall quality of the community. To guide development goals and strategies for natural resource protection by requiring new development applications to assess natural resources within the development. To guide new development within the Township to protect intact natural resources while maintaining an equitable economic return.
901. **APPLICATION REQUIREMENTS.** All applications for subdivision, land development, site plan and / or building permit shall be required to submit a plan which clearly delineates all natural resources, as defined by this chapter, which exist on the parcel to be developed, subdivided or built upon.
902. **FLOODPLAINS.**
- A. **General provisions.**
1. The "Floodplain Area" shall be those areas expected to be subject to the "100-Year Flood," as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), dated April 6, 2001, or the most recent official Federal revision thereof. Such mapping and study shall be known as the "Federal Floodplain Map." The referenced FIS is declared to be part of this Ordinance and shall be kept at the Bushkill Township offices. The FIS may also be obtained through FEMA.
 2. No development shall be undertaken, no structure or land shall hereafter be used; no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered; and no area shall be developed, graded, filled or excavated in any Flood Hazard District except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations.
 3. Failure to comply with the provisions of this Section is a violation of the Bushkill Township Zoning Ordinance and Bushkill may proceed with Court Action and / or issue a declaration of violation, under Section 1316 of the National Flood Insurance Act of 1968 to the Federal Emergency Management Agency to deny flood insurance on the property in violation. The effects of having a Section 1316 violation are non-availability of flood insurance for any buildings, possible reduction of market value, risk of damage without compensation, possible mortgage foreclosure, and denial of disaster assistance for repair of structural damage.
 4. Warning and Disclaimer of Liability.
 - a. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on

acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified floodplain or that land uses permitted within a floodplain area will be free from flooding or flood damages.

- b. This Ordinance shall not create liability on the part of Bushkill Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.
5. No encroachment, land development, improvement or reconstruction of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development (DCED) shall be notified prior to any alteration or relocation of any watercourse.
 6. Any new construction, uses, activities or land development occurring within the floodplain shall be undertaken only in strict compliance with the provisions of this Article and with all other applicable codes, ordinances and regulations including the Pennsylvania Uniform Construction Code (UCC), as amended, and Bushkill Township Subdivision and Land Development Ordinance.
 7. Under no circumstances shall any new construction, uses, activity and / or land development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
 8. Any new construction and/or land development, with the exception of redevelopment projects, that would cause any increase in the base flood elevation shall be prohibited.
 9. New construction, development or redevelopment in the Floodway Area is prohibited.
- B. Identification and establishment of floodplain areas. The floodplain area may consist of the following specific areas:
1. The Floodway Area (FW) - The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas 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. Such studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
 2. The Flood-Fringe Area (FF) - The portion of the AE Zone not included in the Floodway. The basis for the outermost boundary of this area shall be the base

flood elevations shown in the flood profiles contained in the Flood Insurance Study.

3. The General Floodplain Area (FA) - The areas identified as A Zone in the Flood Insurance Study for which no base flood elevations have been provided or areas subject to flooding defined by one of the following methods:
 - a. Soils identified with potential for flooding, as described and mapped by the United States Department of Agriculture;
 - b. Hydrologic and hydraulic analyses undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods reflect accepted technical concepts. Such studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
 4. An initial determination shall be made by the Zoning Officer should a dispute concerning any floodplain boundary arise. Any party aggrieved by this decision may appeal to the Zoning Hearing Board under the provisions of this Ordinance. The burden of proof is on the appellant.
 5. The delineation of the floodplain area may be revised by the Township where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by FEMA, U. S. Army Corps of Engineers or other qualified agency, or an individual. However, prior to any such change, approval must be obtained from FEMA.
- C. Nonconforming uses and structures in the floodplain. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with those provisions, shall be subject to the requirements of this Article.
- D. Permitted uses and development. The following uses and activities are permitted in the FF or FA areas provided they are in compliance with the provisions of the zoning district in which the use or activity is located and are not prohibited by any other ordinance:
1. Agriculture, horticulture, and forestry that:
 - a. Do not include any structures;
 - b. Do not require grading which would cause any increase in flood heights or frequency;
 - c. Are conducted in accordance with recognized soil conservation and water quality practices.
 2. Public and private recreational uses and activities, limited to parks, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and hunting and fishing areas.
 3. Uses accessory to those permitted in the zoning district, including yard areas, gardens, play areas and parking areas, provided that no structures are erected, and no impervious surfaces are created.

4. Redevelopment projects that:
 - a. Do not include residential structures or critical facilities;
 - b. Do not include prohibited uses listed below;
 - c. Are consistent with the goals and objectives of the Comprehensive Plan;
 - d. Are permitted in the applicable zoning district;
 - e. Are elevated to regulatory flood elevation and in full compliance with the floodproofing requirements in the UCC, as amended;
 - f. Include a document, certified by a registered professional engineer which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include the lowest floor elevation of all proposed structures, the elevation of the 100-year flood, and the type and extent of flood proofing measures which have been incorporated into the design of all proposed structures and/or the development.
 5. The repair or expansion of riparian buffers.
 6. Floodproofing to protect only lawfully existing non-conforming structures and lawfully existing non-conforming uses within structures.
 7. Fences and temporary protective fencing that do not impede floodwaters.
 8. Dams, culverts, bridges, and altered or relocated watercourses with permits and/or approvals from the PA Department of Environmental Protection, PA Public Utility Commission, and/or US Army Corps of Engineers. Furthermore, notification of such actions shall be provided to all affected adjoining municipalities, FEMA and the Pennsylvania DCED. The approval of a permit by any of the preceding State or Federal agencies for one of the uses allowed in the floodplain shall in no way affect or conflict with the requirements imposed upon the use under the regulations of this Article.
 9. Public utility facilities under the exclusive jurisdiction of the Pennsylvania Public Utility Commission.
- E. Prohibited uses and development. The following uses are prohibited from locating within the floodplain area:
1. All uses prohibited in the underlying zoning district.
 2. New construction, development or redevelopment in the FW area.
 3. All structures, with the exception of those specifically allowed in Section 902.D.
 4. The production, storage, or use of any amount of radioactive substances.
 5. The production, storage or use of a substance or material, underground or aboveground, that is buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life including but not limited to the following:
 - a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide

- e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitrogen
 - l. Petroleum products (gasoline, fuel oil, etc.)
 - m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulphur and sulphur products
 - q. Pesticides (including insecticides, fungicides and rodenticides)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated
 - s. Such other toxic or hazardous substances or materials that could harm aquatic life or be a threat to public health.
6. The production, storage or use of explosives.
 7. The storage or disposal of materials used for snow and ice control including sand, salt and other deicing chemicals.
 8. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
 9. The storage or disposal of any soil, loam, peat, sand, gravel, rock, or other mineral substance, refuse, trash, rubbish, debris, or dredged/excavated spoil.
 10. Draining, excavation, or dredging, or removal or relocation of loam, peat, sand, gravel, soil, rock, or other mineral substance, except as accessory to work permitted as of right or by special permit.
 11. Manure storage facilities and manure stockpiles.
 12. Improvements to existing manufactured home parks and subdivisions.
 13. Sewage disposal facilities.
 14. Other than required to meet the requirements of Section 902.D.8 and 902.D.9, fill is prohibited in the floodplain area.
 15. Pastures and other livestock operations.

F. Existing structures in the floodplain.

1. No improvement or reconstruction of an existing structure shall be allowed within any FW area as identified by the Flood Insurance Study prepared by FEMA or other available studies or sources of information found acceptable by the Township and approved by FEMA.
2. No improvement of an existing structure shall be allowed within any FF or FA area that would, together with all other existing and anticipated development, increase the base flood elevation more than 1 foot at any point.

3. The improvement or reconstruction of existing structures that store materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be prohibited in the floodplain area.
4. Existing structures in the FF and FA areas are defined and regulated as follows:
 - a. **INTACT STRUCTURES** - Any improvement to an existing intact structure, to an extent 10 percent or more of its market value, shall be undertaken only in full compliance with the floodproofing requirements in the UCC as amended.
 - b. **PARTIALLY DAMAGED STRUCTURES** - A structure that has sustained damage from any cause whereby the cost of restoring the structure to its before-damaged condition is less than 50 percent of the market value of the structure before the damaged occurred. Any improvement or reconstruction to an existing partially damaged structure shall be undertaken only in full compliance with the floodproofing requirements in the UCC as amended.
 - c. **SUBSTANTIALLY DAMAGED STRUCTURES** - A structure that has sustained damage from any cause whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damaged occurred. Any improvement or reconstruction to a substantially damaged structure shall be in full compliance with the floodproofing requirements in the UCC as amended, and shall have the lowest floor, including basement, elevated to Flood Protection Elevation.
 - d. **REPETITIVE LOSS STRUCTURES** - An improvement to a repetitive loss structure to an extent 10 percent or more of its market value of the intact structure shall be prohibited. Any permitted improvement to a repetitive loss structure shall be in full compliance with the floodproofing requirements of the UCC as amended, and shall have the lowest floor, including basement, elevated to Flood Protection Elevation. The reconstruction of a repetitive loss structure shall be in full compliance with the UCC, as amended, and shall have the lowest floor, including basement, elevated to Flood Protection Elevation.
 - e. **SEVERE REPETITIVE LOSS STRUCTURES** - An improvement to a severe repetitive loss structure to an extent 5 percent or more of its market value as an intact structure shall be prohibited. Any permitted improvement to a severe repetitive loss structure shall be in full compliance with the floodproofing requirements of the UCC as amended, and shall have the lowest floor, including basement, elevated to Flood Protection Elevation. The reconstruction of a severe repetitive loss structure shall be i) in full compliance with the UCC, as amended; shall ii) have the lowest floor, including basement, elevated to Flood Protection Elevation and iii) the applicant shall provide documentation from the Township, the State of Pennsylvania and the Federal Emergency Management Agency that states Bushkill Township, the State of

Pennsylvania or FEMA will not acquire the property for the purposes of flood mitigation prior to the reconstruction of the structure.

5. The cost of improvements or reconstruction commenced since the adoption of this ordinance must be calculated at today's current cost.
6. It is the responsibility of the applicant to supply the information necessary (e.g. appraisals, construction costs, estimates, etc.) to make the determination that the market value is reasonably accurate and that the cost estimate reasonably reflects the actual costs of the improvements to the structure.
7. Acceptable estimates of market value shall be determined from one of the following methods:
 - a. Independent appraisals by a state licensed real estate appraiser.
 - b. The value of the building taken from NFIP claims data.
8. Acceptable estimates of cost of improvement shall be determined from one of the following methods:
 - a. Itemized estimates made by contractors and verified by the Township Engineer.
 - b. Building code valuation tables.
9. The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this Section for any structure listed on a National, State or Local Register of Historic Places; provided, however, that the provisions of Section 902.H shall be applied in such a case.

G. Building and zoning permits.

1. Building and zoning permits shall be required for all proposed development, construction, reconstruction, placement, improvement of uses or structures, regardless of value and activities such as mining, dredging, grading, logging, paving, excavation or drilling operations.
2. The requirements of the UCC, as amended, shall apply to this Article.

H. Floodplain variances.

1. General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with this Ordinance and with the following:
 - a. No variance shall be granted for any construction, development, use or activity within any floodplain or floodway area that would cause any increase in the base flood elevation.
 - b. No variance shall be granted for any of the prohibited uses or activities in Section 902.E to locate in the floodplain.
 - c. If granted, a variance shall involve only the least modification necessary to provide relief.

- d. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards they consider necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.
 - e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - i. The granting of the variance may result in increased premium rates for flood insurance.
 - ii. Such variances may increase the risks to life and property.
 - f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
 - i. There is good and sufficient cause for the variance.
 - ii. Failure to grant the variance would result in exceptional hardship to the applicant.
 - iii. The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable state or local ordinance regulations.
 - iv. The review factors listed in Section 902.H.3, below.
 - g. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
3. Review Factors. In reviewing applications for a variance, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Articles of this Ordinance and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed use and its contents to flood damage and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed use to the community.
 - f. The requirements of the use for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the Comprehensive Plan and the Township stormwater management objectives and regulations.
 - j. The safety of access to the property in times of flood by ordinary and emergency vehicles.

- k. The expected heights, velocities, durations, and rates of rise and sediment transport of the flood waters expected at the site.
 - l. The requirements of the National Flood Insurance Program Regulations, Part 59: General Provisions, and Part 60: Criteria for Land Management and Use.
 - m. Such other factors which are relevant to the purposes of this Ordinance.
4. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for:
- a. Technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
 - b. All 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 and the Pennsylvania Department of Community and Economic Development.

903. WETLANDS.

- A. Purpose. To assist the Federal and State governments in enforcing their existing regulations on wetlands. To encourage the preservation of wetlands to protect the quantity and quality of surface and groundwaters, to control flooding, to prevent erosion and sedimentation, and to protect extremely important habitats and food sources for wildlife, birds, and aquatic life.
- B. Permits.
- 1. All permits of Bushkill Township are issued with the condition that Federal and State wetland protection regulations be complied with.
 - 2. Where the Zoning Officer or Township Engineer determine that there is evidence and/or indicators of a wetland on a proposed development site, the Zoning Officer may suspend, withdraw or delay Township Zoning Permits until the applicant provides evidence from a Qualified Wetland Professional that such site is not a wetland or that such action will comply with applicable Federal and State permit requirements.
 - 3. If a proposed development site does not include any wetlands based upon established indicators and Federal and State regulations, then the applicant shall provide a written statement on the plans, signed by a Qualified Wetland Professional to such effect.
 - 4. If any State or Federal permits are required for any proposed impacts to any wetlands, a note identifying all such permits shall be included on the plans.

C. Determination and Delineation of Wetlands.

1. When the National Wetlands Inventory (NWI), United States Geological Survey (USGS), and/or United States Natural Resource Conservation Service (NRCS) Maps indicate wetlands are present on a site or when a site/project area contains hydric soils (refer to Appendix B – Hydric Soils of Northampton County, PA) or an area with a predominance of wetlands vegetation (refer to Appendix C – Wetland Plant List and current plant indicator lists by the United States Fish and Wildlife Service and/or the United States Army Corps of Engineers), an on-site investigation shall be conducted by a Qualified Wetland Professional to determine if wetlands are present on the site and to delineate wetland boundaries in accordance with currently accepted and applicable State and Federal regulations and guidance. A landowner or an applicant shall be responsible for obtaining a wetland determination and/or delineation as follows:
 - a. Wetland boundaries shall be determined and/or delineated through an on-site assessment which shall be conducted by a Qualified Wetland Professional (e.g. Professional Soil Scientist (with wetland delineation training and experience), Professional Wetland Scientist, or others of demonstrated qualifications sufficient for the determination/delineation of wetlands). Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetland vegetation, hydric soils, and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Township. The study must be approved by the Board of Supervisors. Should the Board of Supervisors have questions in regard to the submitted study or disagree with the findings, the Board may require the landowner or applicant provide a Jurisdictional Determination by the United States Army Corps of Engineers.
 - b. A wetland delineation validated by the United States Army Corps of Engineers. In the event that a wetland delineation validated by the United States Army Corps of Engineers is shown to vary from a wetlands boundary derived from subsection (a) above, the Corps delineation shall govern.
2. All determinations of wetlands shall be subject to acceptance by the appropriate State or Federal officials.
3. The applicant shall be responsible for all costs and work involved in determining any wetland and in seeking any Federal or State review or approvals.

- D. There shall be no direct or indirect, temporary or permanent impacts to any wetlands (e.g. draining, filling, etc.) without all required State and Federal permits and approvals obtained by the applicant, with copies provided to the Township. All required permits and approvals shall be listed on the plans submitted to the Township for review.

- E. Lot Area of Wetlands. A lot must contain a contiguous area in an amount of at least 75 percent of the required minimum lot area which is not in wetlands and not require encroachment into riparian buffers for normal development
- F. Under no circumstances shall there be any final subdivision of a lot which would require alteration of any wetland area in order for construction/development to reasonably occur.
- G. Responsibility. All applicants are put on notice that it is their responsibility to make sure that Federal and State regulations are complied with. Federal law may require that a wetland that is altered be later returned to a wetland, which may require demolition of buildings.

904. STREAMS, WATERCOURSES, LAKES OR PONDS.

- A. Purpose. To assist the Federal and State governments in enforcing their existing regulations on streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies. To encourage the preservation of streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies to protect the quantity and quality of surface and groundwaters, to control flooding, to prevent erosion and sediment pollution, and to protect extremely important habitat values for wildlife, birds, and aquatic life.
- B. Permits.
 - 1. All permits of Bushkill Township are issued with the condition that Federal and State wetland\ regulations shall be complied with.
 - 2. Where the Zoning Officer or Township Engineer determine that there is evidence and/or indicators of any streams, watercourses, lakes, ponds (including vernal ponds/pools), and/or other waterbodies on a site where development is proposed, the Zoning Officer may suspend, withdraw or delay Township Zoning Permits until the applicant provides evidence from a Qualified Professional that such features are not regulated by State and/or Federal laws or that such action(s) proposed will comply with applicable Federal and State permit requirements.
 - 3. If a proposed development site does not include any streams, watercourses, lakes, ponds (including vernal ponds/pools), and/or other waterbodies based upon established indicators and Federal and State regulations, then the applicant shall provide a written statement on the plans, signed by a Qualified Professional to such effect.
 - 4. If any State or Federal permits are required for any proposed impacts to any streams, watercourses, lakes, ponds (including vernal ponds/pools), and/or other waterbodies, a note identifying all such permits shall be included on the plans.

- C. Determination and Delineation of Streams, Watercourses, Lakes, Ponds (including vernal ponds/pools), and other waterbodies.
1. When the National Wetlands Inventory (NWI), United States Geological Survey (USGS), United States Natural Resource Conservation Service (NRCS) Maps, aerial photographs, and/or other accepted mapping source indicate streams, watercourses, lakes, ponds (including vernal ponds/pools), and/or other waterbodies on a site/project area, an on-site investigation shall be conducted by a Qualified Professional to determine if such features are present, and if so to delineate their boundaries in accordance with currently accepted and applicable State and Federal regulations and guidance. A landowner or an applicant shall be responsible for obtaining such determination and/or delineation as follows:
 - a. Streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies boundaries shall be delineated through an on-site assessment which shall be conducted by Qualified Professional (e.g. Professional Soil Scientist (with wetland and waters delineation training and experience), Professional Wetland Scientist, or others of demonstrated qualifications sufficient for the delineation of such features). Such a person shall certify that the methods used correctly reflect currently accepted technical concepts and field indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Township. The study must be approved by the Board of Supervisors. Should the Board of Supervisors have questions in regard to the submitted study or disagree with the findings, the Board may require the landowner or applicant to provide a Jurisdictional Determination by the United States Army Corps of Engineers and validation by the Pennsylvania Department of Environmental Protection.
 - b. A Jurisdictional Determination by the United States Army Corps of Engineers. In the event that a Jurisdictional Determination by the United States Army Corps of Engineers is shown to vary from a boundary derived from subsection (a) above, the Corps delineation shall govern. Validation by the Pennsylvania Department of Environmental Protection may also be required by the Township for any "waters" not regulated by the United States Army Corps of Engineers.
 - c. All stream, watercourse, lake, pond (including vernal ponds/pools), and other waterbody boundaries shall be included on plans submitted to the Township for review, as surveyed by a Professional Land Surveyor.
 2. All determinations and delineations of streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies shall be subject to acceptance by the appropriate State or Federal officials.

3. The applicant shall be responsible for all costs and work involved in determining and/or delineating any streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies and in seeking any Federal or State review or approvals.
- D. There shall be no direct or indirect, temporary or permanent impacts to any streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies (e.g. draining, filling, channelization, bank stabilization, etc.) without all required State and Federal permits and approvals obtained by the applicant, with copies provided to the Township. All required permits and approvals shall be listed on the plans submitted to the Township for review.
 - E. Lot Area. A lot must contain a contiguous area in an amount of at least 75 percent of the required minimum lot area which is not in streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies and not require encroachment into riparian buffers for normal development.
 - F. Subdivision. Under no circumstances shall there be any final subdivision of a lot which would require alteration of any streams, watercourses, lakes, ponds (including vernal ponds/pools), and other waterbodies in order for construction/development to reasonably occur.
 - G. Responsibility. All applicants are put on notice that it is their responsibility to make sure that Federal and State regulations are complied with. Federal law may require that a stream, watercourse, lake, pond (including vernal ponds/pools), and other waterbody that is altered be later returned to original condition, which may require demolition of buildings/structures.

905. RIPARIAN AND WETLAND BUFFERS.

- A. Authority. This article is established in accordance with the Pennsylvania Constitution, Art. 1, Sec. 27 (the "Environmental Rights Amendment"), and Sections 301(a)(6), 503(2)(v), 603(c)(7), 605(2)(ii, iii, and vii), 606, 609.1c(3)(4), 916.1(c)(5)(iii and iv) of the PA Municipalities Planning Code, 53 P.S. § 10101 et seq.
- B. Applicability.
 1. This article shall apply to all lands within the Township that are adjacent to a watercourse, waterbody or wetland.
 2. This article shall apply to any subdivision plan, zoning permit or building permit not included in Section 905.B.3 after the effective date of this article.
 3. This article shall not apply to any application prior to the article's effective date or to a development or land disturbance that:
 - a. Is covered by an approved plan in accordance with Bushkill Township Subdivision and Land Development Ordinance; or
 - b. Is covered by a current, executed public works agreement; or

- c. Is covered by a valid, unexpired Zoning Hearing Board (ZHB) approval or building permit; or
- d. Is a lot line adjustment plan; or
- e. Is a zoning or building permit for accessory structures or improvements to existing primary or accessory structures that do not encroach upon the riparian buffer zone(s).

C. Design standards.

- 1. For sites where a naturally vegetated riparian buffer does not exist, it is acceptable to allow the buffer to succeed naturally through a “no-mow” area where native vegetation is able to establish itself naturally.
- 2. The riparian buffer shall be:
 - a. 100 feet from the ordinary high water mark for all watercourses including, but not limited to, intermittent and perennial streams,
 - b. 50 feet from the outer edge of a wetland, and
 - c. 150 feet from the center of all vernal ponds.
- 3. It shall be lawful, but not required, to supplement the riparian buffer with planting of native vegetation. Native plants can include ferns, shrubs and trees. Native vegetation (as defined in *The Plants of Pennsylvania: An Illustrated Manual*, Ann Fowler Rhoads and Timothy A. Block, June 2000 or current version thereof) and *The Trees of Pennsylvania: A Complete Reference Guide* (Ann Fowler Rhoads and Timothy A. Block, May 2004 or current version thereof) must be used in such efforts. Any supplemental plantings shall be installed to allow for proper plant growth and maintenance.

D. Permitted uses/activities within the riparian buffer.

- 1. Roads, bridges, trails, storm drainage, stormwater management facilities and utilities are permitted within the buffer provided that an alternatives analysis has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will occur to the buffer area for the proposed activity.
- 2. Stream restoration projects and related activities approved by the Township.
- 3. Horticultural practices used to maintain the health of native vegetation within the riparian buffer.
- 4. Removal of non-native vegetation or trees in danger of falling, causing damage to dwellings or other structures, or the damage to or blockage of a watercourse.
- 5. Agricultural uses existing at the time of adoption of this article with all applicable agricultural best management practices installed.

E. Prohibited uses/activities within the riparian buffer.

- 1. All structures.
- 2. Impervious coverage unless permitted in Section 904.D.
- 3. Creation of new lawn areas.
- 4. Lawn care service.

5. Planting of non-native vegetation.
6. Removal, burning or mowing of native vegetation.
7. Soil disturbance, inclusive of grading, stripping of topsoil, plowing, cultivating or other practices.
8. Septic systems.
9. The production, storage or use of a substance or material, underground or aboveground, that is buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or aquatic life.
10. The production, storage or use of explosives.
11. The storage or disposal of materials used for snow and ice control including sand, salt and other deicing chemicals.
12. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
13. The storage or disposal of any soil, loam, peat, sand, gravel, rock, or other mineral substance, refuse, trash, rubbish, debris, or dredged/excavated spoil.
14. Draining, excavating, or dredging, or removal or relocation of loam, peat, sand, gravel, soil, rock, or other mineral substance, except as accessory to work permitted as of right or by special permit.
15. Manure storage facilities and manure stockpiles.
16. The maintenance, housing or grazing of animals.
17. Use of fertilizers unless permitted as part of uses in Section 905(D).
18. Uses of pesticides unless permitted as part of uses in Section 905(D) or for control/removal of non-native vegetation.
19. Keeping of livestock (e.g. pastures, loafing pads, etc.)

F. Boundary determination. The developer, applicant, property owner or designated representative shall be responsible for the initial width determination of the riparian corridor and identifying this area on any plan that is submitted to the municipality for subdivision, land development, or other improvements that require plan submissions or permits. This determination shall be subject to review and approval by the Zoning Officer. [Watercourses – boundary based on Ordinary High Water Mark as defined by the United States Army Corps of Engineers. Wetlands – boundary as described in Section 903.C.]

G. Variances.

Applications filed with the ZHB shall contain the basis for the appeal of the Zoning Officer or Engineer's decision and a description of the relief requested. Plans submitted shall be prepared by a licensed professional acceptable to the ZHB and shall include the following:

1. Location of all wetlands, and all watercourses/waterbodies (e.g. streams, ponds or other water resources) on the property to be developed and location of all respective riparian buffers;
2. Species, location and size of trees within the riparian buffer setback at proposed encroachment area;

3. Location of any proposed building or structure;
4. Any other information deemed relevant by the ZHB; and
5. Aerial photograph(s) indicating current condition of all riparian buffer areas.

In addition to these standards and criteria, the following shall be considered by the ZHB in rendering affirmative decisions where applicable:

1. A showing of good and sufficient cause.
2. Whether strict application of this article would deny the applicant reasonable use of the property, or whether the article would have severe impact and would render the property unusable or unsuitable for development.
3. Whether plan modifications or conditions of approval can achieve conservation objectives of this article.
4. That the relief granted is the minimum necessary and does not conflict with any Municipal, State or Federal regulations.

906. STEEP SLOPES.

A. Purpose. The purpose of this Article is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:

1. Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
2. Conserve existing woodlands for air and water quality benefits.
3. Permit land uses by right that are compatible with protection of steep slope areas, and encourage the use of steep slope areas for open space and conservation uses.
4. Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
5. Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements.
6. Protect adjoining properties from harmful consequences of development permitted under these requirements.

B. Identification and establishment of steep slopes.

1. Steep slopes are defined as those areas having slopes of 15 percent or greater.
2. The boundaries of steep slopes may be supplemented or modified by examination of one or more of the following sources by the Township whenever a subdivision or land development plan is submitted for review:
 - a. Soil Survey of Lehigh/Northampton counties, Pennsylvania, USDA Soil Conservation Service.

- b. Contour maps prepared from aerial photography.
 - c. On-site survey prepared by a Registered Professional Engineer or Surveyor.
3. The Township Engineer shall decide whether or not steep slopes have been shown accurately on the applicant's plans. Based on the Township Engineer's advice, Bushkill Township may require applicants to revise the boundaries shown on the plans.
 4. The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

C. General provisions.

1. These regulations apply to lots where the proposed land disturbing activity is greater than 5,000 square feet.
2. All uses, activities and development occurring within any Steep Slope Overlay District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Township codes and ordinances.
3. No building lot shall be created unless it contains at least 1 acre of contiguous area with slopes less than 25 percent. If it is infeasible to provide this area in accordance with the setbacks required by the underlying district, the lot area shall be increased as necessary to provide a minimum area equal to 1 acre of area with slopes less than 25 percent.
4. Finished slopes of all cuts and fills shall not exceed 33 percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.
5. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the Township Engineer in order to prevent erosion.
6. Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures, as approved by the Township Engineer.
7. No retaining wall shall exceed the height prescribed in this Ordinance, and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes.
8. Any disturbance of steep slopes shall be completed within 1 construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within 3 days after completion of grading.
9. No trees with a diameter at breast height (DBH) of 8 inches or more shall be removed from steep slope areas unless in accord with Section 1602.T (Section of municipal zoning ordinance regulating forestry).

10. The alignment of roads and driveways shall follow the natural topography, minimize regrading and comply with design standards for maximum grades set forth in the Bushkill Township Subdivision and Land Development Ordinance.
11. The maximum grade of a road or driveway shall not exceed 10 percent.
12. The degree of steep slope protection sought by the provisions of this Article is considered reasonable for regulatory purposes. This Article does not imply that steep slope areas less than 15 percent or permitted uses within the zoning district will be free from erosion or slope instability. This Article shall not create liability on the part of Bushkill Township or any officer or employee thereof for any damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

D. Permitted uses and development on slopes of 15 percent but less than 25 percent. Open space and conservation uses are permitted by right on steep slopes, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.

1. Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
2. Forestry and reforestation in accordance with recognized natural resource and soil conservation practices, and as permitted by municipal and state regulations.
3. Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
4. Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
5. Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
6. Front, side, or rear yards, and required lot area for any underlying zoning district, subject to the requirements of Section 906.C General Provisions, herein, and provided such yards shall not be used for any use prohibited under Section 906.E, herein.
7. Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.

E. Prohibited uses and development on slopes of 15 percent but less than 25 percent. The following uses are specifically prohibited on slopes of 15 percent but less than 25 percent:

1. Removal of topsoil except when related to an approved conditional use.
2. Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.

F. Conditional uses and development on slopes of 15 percent but less than 25 percent.

1. The following uses and activities may be permitted by Conditional Use provided that they are in compliance with the provisions of the zoning district and are not prohibited by any other Ordinance:

- a. Structures, roads, driveways, parking areas, construction or other development.
 - b. Clearing of vegetation or grading, including the addition of fill.
 - c. Sealed public water supply wells with approval of the Pennsylvania Department of Environmental Protection.
 - d. Sanitary or storm sewers and stormwater detention basins with the approval of the Township Engineer and the Department of Environmental Protection.
 - e. On-lot sewage disposal systems, when approved by the Township Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.
 - f. Utility transmission lines and above ground utility line structures unless upon petition of a public utility corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the lines or structures in question is reasonably necessary for the convenience or welfare of the public.
 - g. Extractive uses in accordance with recognized conservation practices and regulations of the state Department of Environmental Protection.
2. Applications for conditional uses shall provide the following information and documentation:
- a. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the steep slope boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations at no greater than 2-foot intervals, where feasible.
 - b. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the Subdivision and Land Development Ordinance, with contours shown at 2 foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.
 - c. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
 - d. Specifications for building construction and materials, including filling, grading, storage of materials, and water supply and sewerage facilities.
 - e. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities, in compliance with municipal sedimentation and erosion control regulations.
 - f. Written confirmation from the Bushkill Township Volunteer Fire Company that emergency access is satisfactory to provide adequate fire protection.

- G. Permitted uses and development on slopes of 25 percent or more. Open space and conservation uses are permitted by right on slopes of 25 percent or more, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.
1. Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
 2. Forestry and reforestation in accordance with recognized natural resource and soil conservation practices, and as permitted by municipal and state regulations.
 3. Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
 4. Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
 5. Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
 6. Front, side, or rear yards, and required lot area for any underlying zoning district, subject to the requirements of Section 906.C General Provisions, herein, and provided such yards shall not be used for any use prohibited under Section 906.H, herein.
 7. Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.
- H. Prohibited uses on slopes of 25 percent or more. The following uses are specifically prohibited on slopes of 25 percent or more:
1. Removal of topsoil.
 2. Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.
 3. Structures, roads, driveways, parking areas, construction or other development.
 4. Clearing of vegetation or grading, including the addition of fill.
 5. Sealed public water supply wells.
 6. Sanitary or storm sewers and stormwater detention basins.
 7. On-lot sewage disposal systems.
 8. Utility transmission lines and above ground utility line structures.
 9. Extractive uses.
- I. Conditional use standards and criteria. In considering a conditional use application, the Board of Supervisors shall consider the following:
1. Relationship of the proposed use to the objectives set forth in Section 906.A.
 2. Adverse effects on abutting properties.
 3. The need for a woodland management plan on wooded steep slope areas.
 4. Proposed roads, driveways and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment for such facilities shall be so designed that hazardous conditions are not created.

5. Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of the Township.
6. Proposed on-lot sewage disposal facilities are properly designed and constructed in conformity with applicable regulations.
7. Proposed non-agricultural displacement of soil is for purposes consistent with the intent of this Article and will be executed in a manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
8. Surface runoff of water will not create unstable conditions, including erosion, and appropriate stormwater management facilities will be constructed as necessary.

907. WOODLANDS.

- A. Purpose. The purpose of this Article is to preserve, protect, replace and properly maintain trees within Bushkill Township; to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade; provide wildlife and plant habitat; provide protection against severe weather; aid in the control of drainage and restoration of soil subsequent to construction or grading; conserve and enhance Bushkill's physical and aesthetic environment; promote good forest stewardship; avoid unreasonable and unnecessary restrictions on the right to practice forestry; and generally protect and enhance the quality of life and welfare of the Township.
- B. Applicability.
 1. For purposes of this Article, trees shall include all trees now or hereafter growing in any public right-of-way or on public or private lands within the Township.
 2. Trees within existing conservation and other protective easements, floodplains or wetlands shall be preserved unless the removal of trees is for the purpose of managing or improving the natural habitat with approval of the municipality.
 3. Except as otherwise provided herein, it shall be unlawful for any person to cut down any tree in Bushkill Township that measures 8 inches or more in diameter at breast height (DBH).
- C. Exemptions. The following shall be exempt from the requirements of this section:
 1. Commercial nurseries and fruit orchards.
 2. Christmas tree farms.
 3. Trees directed to be removed by municipal, county, state or federal authority pursuant to law.
 4. Removal of trees that appear to cause structural damage to buildings or foundations.

5. Tree maintenance and landscaping on residential and commercial lots.
6. Any tree determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.
7. Any tree growing on or over a public right-of-way.
8. Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines and the pruning of trees within sight easements.

D. Construction-related tree cutting.

1. Every existing tree, 8 inches or more in DBH, that is removed because of a land disturbing or land developing activity shall be replaced on a 1:1 basis with a native tree that has the same maximum height and growth rate of the tree to be removed. Where large maturing trees are required and overhead utility lines exist, smaller native trees shall be substituted. If the number of trees removed that are at least 8 inches DBH cannot be identified, each stump (if available) will be inspected and the width of each tree removed will be determined by an International Society of Arboriculture (ISA) certified arborist at the expense of the landowner.
2. The replacement trees shall be selected from the Bushkill Township Subdivision and Land Development Ordinance. The trees shall be not less than 2 inches caliper. The trees shall be at least 10 feet tall after planting and trimming. Trees shall not be planted within the tree protection zone of another tree. A maximum of 30 percent of the required trees may be replaced as evergreen trees.
3. Where 10 or more replacement trees are required, not more than 50 percent of the replacement trees shall be of the same species of tree without the approval of the Township.
4. The replacement trees may be placed on the site at any location selected by the property owner as long as such location does not violate any other provision of this Ordinance.
5. Any replacement tree which is not alive or healthy, as determined by the Township, or which subsequently dies due to construction activity within 1 year after the date of project closure, shall be removed by the Applicant and replaced with a new healthy tree meeting the same minimum size requirements within 6 months of removal.

E. Tree protection standards.

1. No change in existing grade shall be permitted within the tree protection zone. Appropriate fencing or other means of demarcation acceptable to the Township shall be placed for the duration of construction at the tree protection zone of trees being retained and that are adjacent to construction. Roots of trees being retained shall not be cut.
2. No boards or other materials shall be nailed or otherwise attached to trees during construction.

3. Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the tree protection zones of trees being retained, except for mulched vegetative matter used to prevent soil compaction.
4. Tree trunks, limbs and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with ISA standards.
5. Any clearing within the tree protection zone shall be done by hand-operated equipment.

ARTICLE 10

GENERAL REGULATIONS

In addition to complying with the provisions of the district in which a use is permitted, each use shall comply with the following standards and requirements where applicable.

1000. LOT AREA, LOT WIDTH AND HEIGHT REGULATIONS.

- A. Lot Area and Yard Requirements. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot area or yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
- B. Minimum Lot Area and Lot Area Per Dwelling Unit. Where a minimum lot area is specified in the Section entitled, "Lot Area, Width, Building Coverage, Height Regulations," for the appropriate Zoning District, no principal building or use shall be erected or established on any lot of less area than is specified, except as may be permitted in Section 1000.D.
- C. Minimum Lot Width.
1. Where a minimum lot width is specified in the applicable District regulations or other regulations of this Ordinance, no principal building or use shall be erected or established on any part of a lot which has a width of less than is specified, except as exempted by Section 1000.D.
 2. The lot width for a single family, semi-detached dwelling or end unit of townhouses shall be measured from the side lot lines to the centerline of the wall in common with an adjoining dwelling.
- D. Exceptions to Minimum Lot Areas and Lot Widths.
1. Nonconforming Lots. The minimum lot area and minimum lot width requirements of this Ordinance shall not prevent the construction of a building or establishment of a use, provided the yard requirements are observed, on any lot which was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed. Required yard areas may only be reduced for isolated vacant existing lots of record in built-up areas after review and approval by the Board of Supervisors that the reduction is the minimum reduction consistent with adjacent existing development for a distance of 200 feet in any direction.
 2. Flag Lots.

- a. If a flag-shaped lot does not comply with the minimum lot width at the minimum building setback line, then, such width, shall apply at the proposed front setback of the principal building under one of the following 2 conditions:
 - 1) if a lot has an access strip with a minimum width of 30 feet and the lot is not proposed to be further subdivided by covenant, or
 - 2) if the lot has an access strip with a minimum width of 50 feet (for a future road with appropriate radii at the street) and 25 feet grading easements provided on adjacent lots.
 - b. No more than 1 lot plus 10 percent of the total number of lots in any subdivision may be flag-shaped lots.
 - c. The minimum lot width requirement shall be met at the proposed front yard setback line, which shall be measured facing the right-of-way of the public street. The driveway shall meet the slope requirements of Township Ordinances. The driveway shall access a public street.
 - d. The applicant shall prove that the access will meet the Emergency Vehicle Access requirements in Section 106.K of this Ordinance.
 - e. Minimum lot area must be met excluding the access strip.
- E. Spacing of Nonresidential Buildings on the Same Lot. Where 2 or more principal buildings for other than residential uses are proposed to be built upon property in 1 ownership, each building shall be separated by twice the distance required for a single yard in the district in which they are located.
- F. Traffic Visibility Across Corners/Sight Distance.
1. See Section 1004.H. of the Subdivision and Land Development Ordinance.
 2. At each point where a private accessway intersects a public street, a clear-sight triangle of 10 feet measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than 2 feet above the street grade, unless a stricter requirement is established by the Subdivision and Land Development Ordinance.
- G. Front and Side Yards of Corner Lots. On a corner lot, the street side yard shall equal the required front yard for lots facing that street in that district.
- H. Front Yard Regulations. Where a minimum depth of front yard is specified in a District, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be permitted in 1000.I.
- I. Exception to Required Front Yard for Certain Accessory Uses. Subject to Section 1000.H, the District's front yard requirements shall not apply to accessory signs, off-street parking facilities or fences.

J. Side and Rear Yard Setback Requirements.

1. Where a minimum width of side yard is specified, no building, structure or tennis court shall be erected within a utility or drainage easement, or within the specified distance from either side lot line, except for: a) a 1 story accessory building, which shall be a maximum of 300 square feet, which shall not be used for housing livestock or poultry (not including carrier pigeons) or as a vehicle garage and which may be erected on the rear of a lot no closer than 10 feet from the side or rear yard property line. All buildings shall be constructed completely of durable material and neatly maintained, and b) detached garages having access from existing or proposed alleys (see Section 405.A.4.).
2. Swimming pools shall be a minimum of 15 feet from side and rear yard lot lines.
3. Driveways - See Section 1001.C. below.

K. Maximum Height of Buildings. No building shall exceed the maximum height of buildings specified in this Ordinance, except that regulations shall not apply to farm structures, silos, water towers, church spires, belfries, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

L. Septic Systems and Easements. No part of an on-lot septic system tank, drainfield or mound shall be placed within a drainage or utility easement.

M. Lot Divided by Waterway. No new lot shall be created that utilizes land area on more than 1 side of a perennial waterway or perennial lake to meet the minimum lot area requirements of this Ordinance.

1001. DRIVEWAYS.

- A. Access. PennDOT must issue a highway occupancy permit before a driveway can have direct access to a State highway.
- B. Location. The minimum setback distance between a driveway or accessway to an intersecting street (unless such driveway or accessway is lined up to a street on the opposing side of the street) shall be as follows:

TYPE OF SUBDIVISION OR LAND DEVELOPMENT	DISTANCE BETWEEN CENTERLINES OF DRIVEWAY AND NEAREST INTERSECTING ROAD BY TYPE OF INTERSECTING ROAD		
	Arterial	Collector	Local
Residential	150 feet	100 feet	75 feet
Nonresidential	300 feet	200 feet	150 feet

- C. Driveway Setbacks. All driveways shall be setback a minimum of 10 feet from a "residential lot line" (see definition in Article 2), except for shared driveways approved by the Township in a subdivision or land development plan and except for driveways of townhouses.

1002. ESTABLISHMENT OF FUTURE RIGHTS-OF-WAY WIDTHS FOR STREETS.

- A. Minimum rights-of-way widths are established for those roads wherein the existing rights-of-way is less than that indicated below for the particular class of road. Future rights-of-way shall be measured from the centerline of the existing road. All front yards and other appropriate yards shall be measured from the future right-of-way line. The specific classification of each road is shown on the Official Street Classification Map which is hereby incorporated into and made a part of this Ordinance.
- B. Streets are classified as follows:
1. *Expressways* are designed for large volumes and high speed traffic with access limited to grade separated intersections.
 2. *Major Arterial Streets* are designed for large volumes and high speed traffic with access to abutting properties restricted.
 3. *Minor Arterial Streets* are designed to carry moderate to large volumes of fast moving traffic from collector and local streets to major arterial roads.
 4. *Major Collector Streets* are designed to carry moderate to large volumes of traffic to intercept local (residential, commercial and industrial) streets, to provide routes to minor arterial roads and to community facilities and to provide access to the abutting properties.
 5. *Minor Collector Streets* are designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial roads and to community facilities and to provide access to the abutting properties.
 6. *Local Streets* are designed to provide access to the abutting properties and a route to collector roads.
 7. *Marginal Access Streets* are local streets which are parallel to and adjacent to an expressway, major arterial road or minor arterial road, and which provides access to abutting properties and protection from through traffic.

C. Widths.

	Minimum Right-of-Way As Established by PennDOT
Expressway	
Arterial Street	80 feet
Collector Street	60 feet
Local Street	50 feet
Marginal Access Street	50 feet

1003. STREET FRONTAGE DEVELOPMENT. In order to encourage the sound development of highway frontage and to minimize traffic congestion and hazard, the following special provisions shall apply:

- A.
1. All areas for off-street parking (other than for single family detached or single family semi-detached dwellings), off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary driveways, accessways or access roads which supply entrance or exit to the lot.
 2. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, except for:
 - a. single family detached or single family semi-detached dwellings that do not have driveways entering onto an arterial street.
- B. Entrance. Each use with less than 130 feet of frontage on 1 public street shall have not more than 1 accessway or driveway to each such street, and no use with 130 feet or more of frontage on 1 public street shall have more than 2 accessways or driveways to any one street for each 300 feet of frontage. Where practical, access to parking areas shall be provided by a common service driveway or local side street in order to minimize direct access to an arterial street.
- C. In the case of a shopping center, industrial park, office complex, group of multiple dwellings or single family attached dwellings or similar grouping or buildings on a lot, and in any other case where practical, the following shall apply:
1. All buildings shall have vehicle access involving left-hand turns upon a local street, collector street, marginal street, service road, common parking lot or similar area and not directly upon a public arterial street, except at an approved intersection served by a traffic signal. Where feasible, all uses along PA 512 shall be serviced by a marginal access street or service road.
 2. All points of vehicular access to and from a public street shall be located not less than 200 feet from the intersection of any public street lines with each other; provided, however, that such a point of vehicular access, which in effect, converts

- a "T" intersection into an intersection of 2 streets which cross one another, shall be permitted.
- 3. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center, or other unified development, without undue congestion to, or interference with normal traffic flow within the Township.
- 4. All streets and accessways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn lanes, acceleration/deceleration lanes and similar facilities where appropriate.
- D. All driveways, aisles, maneuvering spaces and pedestrian paths intended to be used at night, other than those related to a dwelling, shall be adequately illuminated for security during night hours of use at no cost to the Township.
- E. Direct vehicular access involving left-hand turns shall be strongly discouraged onto any major collector or arterial street and reverse frontage shall be encouraged.

1004. GRADING.

- A. All Township permits are granted on the condition that state erosion and sedimentation regulations and any officially submitted erosion and sedimentation plans are complied with. Failure to comply with such regulations or plans shall be cause for suspension of Township permits.
- B. The ground adjacent to a building shall be graded so that surface water will be drained away from such building. No grading shall be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
- C. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for the proposed use.
- D. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.
- E. Grading and erosion permits and plans.
 - 1. All activities which involve soil disturbance (including grading, filling and/or excavating) that involves: a) areas greater than 2,000 square feet, or b) creating finished slopes greater than 3:1, or c) disturbance of slopes over 15 percent, shall submit appropriate sedimentation and erosion control and grading plans to the Township (which shall be kept in Township files) and obtain a zoning permit

prior to the start of such work. An applicant may reference any grading plans previously approved by the Township under the Subdivision and Land Development Ordinance.

2. These plans may be subject to reviews by the Township Engineer and the County Conservation District.
3. An earth disturbance permit or grading plan is not required for routine crop farming practices, routine minor finish grading, the installation or repair of an on-lot septic system under a Township permit, and earthmoving needed only for landscaping.
4. See additional grading plan requirements in Section 106.D of this Ordinance.

ARTICLE 11

PERFORMANCE STANDARDS

The following performance standards shall apply to all uses in all districts. 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. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Township officials without a business interest in such matters, in order to protect proprietary information.

1100. NOISE. Refer to the Bushkill Township Noise Ordinance (Ordinance No. 2009-01)

1101. VIBRATION. No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.

1102. EXPLOSIVE AND HAZARDOUS SUBSTANCES AND OTHER HAZARDS.

A. Aboveground or surface storage of potentially explosive or hazardous liquids, gases or chemicals in any quantity in excess of 250 cubic feet in volume shall not be stored or maintained within 150 feet of an abutting dwelling, except for the following and closely similar substances for on-lot use: building heating fuels, fire suppression chemicals, fertilizers, janitorial chemicals and printing supplies.

B. No individual tank including flammable materials shall have a capacity greater than 10,000 gallons.

C. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of 9 to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:

1. outdoor industrial storage areas involving storage covering more than 5,000 square feet of land,
2. stationary hazardous machinery and equipment that are outdoors and
3. outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

D. Waterways.

1. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate

- groundwater or surface water or seriously harm aquatic life of a waterway.
2. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded, if needed, by a berm that would drain any spilled substance to a engineered collection area, or other method designed within an overall Preparedness Contingency Plan.

E. All hazardous substances shall be properly labeled.

F. Other Hazards and Nuisances. No land owner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:

1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.
2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.
4. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards.
5. Activity involving the on-site disposal or long-term storage of hazardous, toxic or radioactive wastes.

1103. SEWAGE DISPOSAL.

A. All methods of wastewater disposal shall meet requirements of DEP, the Nazareth Borough Sewer Authority, the Wind Gap Sewer Authority, as applicable, and the Official Township Sewage Facilities Plan, as amended, as applicable.

B. Recertification of On-Lot Systems. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.

C. Back-Up-System. Any lot, prior to being granted any subdivision approval after the adoption of this Ordinance, shall be required to include a reserve on-lot system location tested and approved by the Sewage Enforcement Officer which shall comply with Department of Environmental Protection requirements for a primary location; except as follows:

1. When existing lots are simply merged together and no building is proposed.
2. When any lot is greater than 10 acres, and is designated by the owner for agricultural purposes only and/or is granted a non-building septic permit waiver.
3. When any newly created lot with an existing residence having a minimum of 10 net acres with no limitations, i.e., wetlands, slopes, soils, etc.

D. On-Lot Systems and Lot Area. A more restrictive minimum lot area may be

established by the Board of Supervisors based upon the recommendation of the Sewage Enforcement Officer and DEP regulations.

1104. AGRICULTURAL UTILIZATION OR OTHER LAND APPLICATION OF SEPTAGE, SEWAGE SEPTAGE OR OTHER WASTE MATERIAL. Agricultural utilization or other land application of septage, sewage septage or other waste material is permitted only as a conditional use in the RA district within the Township, subject to the provisions of this ordinance. The agricultural utilization of sewage sludge shall not be permitted.

A. Applications. A person wishing to utilize septage on property in the Township shall present an application for a conditional use, pursuant to the procedures specified in Section 1601 of this ordinance, which shall contain the following:

1. A narrative describing the proposed septage utilization program including the source of the septage, the proposed utilization rate per acre, and the total amount to be applied during the utilization period.
2. A topographical drawing, prepared by a registered engineer, to a scale no greater than 1" = 200' (or other scale pre-approved by the Township Engineer) showing:
 - a. Location of the site relative to public roads;
 - b. Identity of owners of adjacent properties;
 - c. Boundaries of the area to be used for septage utilization;
 - d. Location of public and private water supplies, wells, springs, swamps or other bodies of water within 1/4 mile of the boundaries of the proposed septage utilization site.
3. A soils, geologic and groundwater report of the characteristics of the proposed septage utilization site. The report shall be based on a soils, geology and hydrology investigation and on a published standard soil survey or equivalent data and shall encompass and include the following criteria:
 - a. Excavations and borings or wells shall be made to determine the valid and conclusive soil, geology and groundwater conditions, including a minimum of 3 borings or wells which shall be drilled 10 feet into the groundwater or to bedrock, to delineate groundwater flow system(s).
 - b. A minimum of 1 groundwater quality monitoring point shall be established in each dominant direction of groundwater movement and one monitoring point upgradient of the site.
 - c. The location of all monitoring points shall be approved by the Township Engineer in advance of drilling, but in no event shall any monitoring point be located more than 500 feet from the nearest boundary of the proposed sludge utilization site.
 - d. Monitoring points shall be accessible to the applicant and to the Township and its Engineer.
 - e. Chemical analyses and hydrologic data shall be submitted quarterly to the Township Engineer on a form provided to the applicant by the Township, which shall contain all data required from time to time

by the Township.

f. Each monitoring point shall be purged prior to obtaining each sample for analysis.

g. Detailed soil descriptions based on soil borings obtained through the well drilling procedures.

4. A chemical analyses of the septage which shall include, but not be limited to, the ranges of the following: moisture content, percent total nitrogen (moist and dried), percent ammonium (NHN) (moist and dried), percent organic nitrogen (moist and dried), BOD, pH, and the following reported on a dry weight basis, cyanide, sodium, cadmium, mercury, and molybdenum and other toxic substances and enteric pathogens. Chemical analyses are required according to the following schedule:
 - a. 3 composite samples of the septage to be disposed of must be analyzed and 1 composite sample each year thereafter must be analyzed.
 - b. Additional analysis may be required by the Township when significant changes in the treatment plant's volume or quality of effluent is evident.
5. A statement from the PA DEP, or its successor, indicating the general feasibility of the site for utilization of sludge.
6. Identity of the owner of the site, and an explanation of the relationship of the applicant to the owner and a notarized statement of the property owner that sludge utilization is permitted on the property.
7. An estimate of the expected useful life of the site for utilization of septage.
8. An estimate of the number of vehicles weighing over 20,000 pounds, loaded, which are expected to visit the site.
9. A statement of the applicant's prior experience, if any, with utilization of septage.
10. Sewage sludge may not be applied to agricultural land, forest, a public contact site or a reclamation site that is flooded, frozen or snow-covered, except as expressly provided in a permit issued under PA Code Chapter 91, 92 or 105 (relating to general provisions; NPDES; and dam safety and waterway management), as applicable.
11. Sewage sludge may not be applied to agricultural land, forest or a reclamation site that is:
 - a. Within 100 feet or less of a stream or watercourse.
 - b. Within 100 feet of the edge of a sinkhole.
 - c. Within 300 feet from an occupied dwelling unless the current owner there has provided a written waiver consenting to activities closer than 300 feet.
 - d. In an area without an implemented erosion and sedimentation control plan or a farm conservation plan.
 - e. Within 300 feet of water source unless the current owner there has provided a written waiver consenting to activities closer than 300 feet.

f. Within 100 feet of a wetland.

B. Requirements and Standards Applicable to Utilization of Septage. Prior to approving a site for utilization of septage, the Board of Supervisors and the Planning Commission, acting in conformity with Sections 1601 of this ordinance, shall require that:

1. Any application for utilization of septage be in compliance with the requirements of the PA DEP and that, prior to the onset of site utilization, a permit be obtained from the PA DEP for said operations.
2. Any such site be so located that safe and adequate access is available over public roads at all times.
3. The Board of Supervisors may require that any township road providing access to the proposed site be a minimum of 24 feet in width and paved with surface and base course of sufficient depth to withstand traffic loads to be determined by the number and weight of trucks anticipated in the operation of the proposed site.
4. The Board of Supervisors may further require that the cost of improvement of any Township road to provide this standard of access may be charged against the applicant either by requiring contribution of monies sufficient to pay for the improvement of the road or by charging truck usage fees on the operation of the site sufficient to pay for the improvement and maintenance of access roads.
5. The proposed operation will not create a nuisance in the Township or otherwise impose a hardship on adjoining property owners or with the Township in general.
6. The applicant maintains records of quantities, dates and locations of septage application and furnish copies of such records to the Township upon request.
7. When the utilization of the site for septage is completed, the aforementioned groundwater monitoring system remain in-place and water quality analyses be continued for a period of not less than 5 years.

C. Storage of Septage. In no event and under no circumstances shall any person be permitted to store or otherwise retain or keep septage on any property within the township for any purpose for any period of time except that:

1. A person who has obtained approval for a Conditional Use to utilize septage may retain or store on the site for which the Conditional Use Approval has been granted a quantity of septage equivalent to 1 day's usage, provided that, at the expiration of 24 hours after the commencement of the storage period, the said septage must either be applied or removed from the property.

D. Minimum Acreage. No site shall be approved for septage utilization which contains less than 10 contiguous acres. In computing site sizes, properties divided by public roads shall not be deemed contiguous.

E. Notification. A person who prepares sewage sludge that is land applied at a location and a person who land applies residential septage at a location for agricultural, forest or land reclamation purposes shall send or otherwise provide written notification

to the adjacent landowner, the county conservation district, and PA DEP at least 30 days prior to the first application of the sewage sludge at that location.

F. Performance Bond. In order to assure the Township that the various tests and duties imposed upon an applicant by this ordinance are fully performed, the Board of Supervisors shall require that a sufficient surety for such performance shall be posted by an applicant before issuing any conditional use approval or permit.

1. The applicant shall assure the Township by means of a corporate bond or the deposit of funds or securities in escrow sufficient to cover the cost, as estimated by the Township Engineer, of performing the various tests and duties imposed upon him by the ordinance over the expected useful life of the site plus 5 years.
2. The bond shall be furnished under such conditions and form and with surety as shall be approved by the Board of Supervisors to guarantee and secure that all such tests and duties are fully and adequately performed and are paid for by the applicant and that the township shall, in no event, be held liable for the cost of any such duties or tests.
3. In lieu of a bond, the applicant may deposit cash or securities with the Township or a bank or trust company to guarantee and secure the same requirements as set forth above.
4. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared or approved by the Township Solicitor and the Board of Supervisors. The escrow agent for the deposit of such cash or security shall be located in Northampton County and shall be subject to approval by the Board.

G. Indemnification. In addition to the foregoing requirements, all applicants to utilize septage upon property within the Township shall, prior to the utilization of any septage, deliver to the Township's Board of Supervisors a liability indemnification, on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which, the applicant specifically agrees to fully indemnify and hold harmless the Township of Bushkill and all of its officers, agents, and employees from any and all liability and litigation defense costs accruing to any person(s) as a result of any use of any land in the Township permitted by the Board of Supervisors pursuant to this section.

1105. ODORS, DUST, AIR AND WATER POLLUTION, RADIOACTIVITY, ELECTRICAL DISTURBANCES AND GLARE.

A. Odors and Dust. No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using "normal farming practices" within: a) Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

- B. Air and Water Pollution. All uses shall comply with Federal and State air and water pollution regulations as a condition of any Township permit.
- C. No use shall routinely cause electrical disturbances to electrical equipment on other lots.
- D. Radioactivity. No radioactive wastes shall be disposed of in any district, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also PA DEP regulations.
- E. Glare.
 - 1. All uses, signs and other sources shall be designed and operated to reasonably minimize: a) the heat or glare they generate beyond lot lines of such source and b) the light they generate at night onto adjacent dwellings.
 - 2. 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.
 - 3. 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 undeveloped residentially-zoned areas, and to prevent the lighting from shining into the eyes of passing motorists.

1106. BUFFER YARDS. Buffer yards shall comply with the following standards:

- A. The buffer yard shall be measured from the district boundary line, from an adjoining municipal boundary line, or from the near street line where a street serves as the district boundary line. Buffer yards may not be part of an existing or future street right-of-way, but shall be in addition to that right-of-way.
- B. The following minimum buffer yards shall apply, unless a more restrictive requirement is established by another section of this Ordinance:
 - 1. A non-residential principal use in the GC/I District shall provide a 50 foot wide minimum buffer yard where abutting a residential district or an abutting primarily residential use.
 - 2. A non-residential principal use in the V District shall provide a 50 foot wide minimum buffer yard where abutting a residential district and a 30 foot wide minimum buffer yard where abutting a primarily residential use.
 - 3. A 20 foot wide minimum buffer yard shall be provided around any commercial or industrial outdoor storage areas or any area routinely used for the outdoor parking or unloading of 5 or more tractor-trailer trucks at one time, along lot lines where needed to screen views from dwellings or public streets.
 - 4. A 10 foot wide minimum buffer yard shall be required on any lot within a GC/I or V District that abuts any district other than GC/I or V, unless a more restrictive requirement is established by parts 1, 2 or 3 above.
- C. The buffer yard may overlap required side or rear yards, and in case of conflict,

the larger yard requirements shall apply.

D. In all buffer yards, the exterior width beyond the fence or planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any fencing shall be placed on the inside of plant screening.

E. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials and vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress only at perpendicular crossings.

F. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare and noise. Such screen planting shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be of such species and size as will produce, within 3 years, a complete visual screen of at least 6 feet in height.
2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 1 year.
3. The screen planting shall be so placed that at maturity it will be not closer than 3 feet from any street or property line.
4. No structure, fence, planting or other obstruction shall obstruct the minimum sight distance established in the Subdivision and Land Development Ordinance at intersections. The screen planting shall be broken only at points of vehicular or pedestrian access where needed to provide adequate sight distance.

1107. DRAINAGE AND MAINTENANCE OBSTRUCTIONS; FENCES.

A. Fences - See "Accessory Uses" in each applicable District, including Section 405.

B. No storage of man-made materials, including but not limited to "junk", shall be maintained or placed or expanded within a drainage swale, other than an approved type of fence that does not inhibit stormwater flows.

C. A Township permit shall be required for any earthmoving within a drainage easement or drainage swale, unless such action occurs within a Township-approved grading plan.

D. No fence, stockpiling of materials or other obstruction shall be placed within 3 feet of a lot line in such a way that it inhibits the maintenance of such neighboring property.

E. Fence Materials. No fence or exterior wall shall be constructed using "junk," scrap metal, vehicles, sheet metal or barrels.

ARTICLE 12

SINGLE FAMILY CLUSTER DEVELOPMENT

1200. PURPOSE. To permit as a conditional use high-quality lot layout, street alignment, building orientation, site planning and landscaping design for single family residential subdivisions involving reduced area and dimensional requirements in return for attractive and usable open space, preserved agricultural land and preserved natural features.

1201. APPLICABILITY; REDUCTION OF LOT REQUIREMENTS.

- A. A single family cluster development (hereafter referred to an "SFCD") shall include a total minimum of 10 acres and shall be controlled by a single development entity at the time of submittal of the plan. A SFCD shall be permitted within the RC and RR districts.
- B. A SFCD shall require conditional use approval.
- C. In the RC district, the minimum lot area for a SFCD shall be 1 acre. A minimum of 50 percent open space is required for the entire tract.
- D. In the RR district, if a development is granted approval as a SFCD, and if the water and sewage requirements of Section 1202.A. are met, then:
 - 1. The minimum lot area and minimum lot width may be reduced as follows based upon the minimum percentage of the tract that is dedicated as common open space.

Minimum Percent of the Tract Dedicated as Common Open Space or Preserved Agriculture	Minimum Lot Area for a SFCD (square feet)	Minimum Lot Width for a SFCD (feet)
40%	17,000	100
30%	21,000	110
20%	25,000	120

- 2. All requirements of the applicable zoning district shall also apply to a Single Family Cluster Development, except for those requirements specifically permitted to be modified by this Article.
- E. One additional dwelling or farmstead may also be allowed as a part of a lot of more than 25 acres that is "Preserved Farmland." This dwelling or farmstead shall meet the yard and all other requirements for the district.
- F. All provisions of this Ordinance and the Subdivision and Land Development Ordinance shall apply except those specifically permitted to be modified by this Article.

- G. If the tract of land is to be developed in phases, the final plans of each phase must meet its proportionate share of common open space and density requirements.
- H. All parcels of common open space shall have a 20 foot wide minimum strip of land for pedestrian and maintenance access from an existing or approved proposed street.
- I. Uses. The only principal uses permitted in an SFCD shall be single family detached dwellings, crop farming, plant nurseries without retail sales, farmsteads and nature preserves. A SFCD shall not be a mobile home park.
- J. Standards. The applicant shall prove to the satisfaction of the Board of Supervisors based upon review by the Planning Commission that:
 - 1. the preserved common open space or preserved farmland would clearly serve a valid public purpose,
 - 2. any common open space will include sufficient improvements by the developer to make it suitable for its intended use, such as planting of trees and clearing of trails, and
 - 3. that the streets, lots, common open space and grading have been laid out to maximize the preservation of significant natural features, such as creek valleys and mature woods.
- K. Yield Plan and Maximum Density.
 - 1. To ensure that the SFCD option is not permitting an excessive increase in density from what would otherwise occur, the applicant shall submit a Yield Plan as part of the SFCD submission. This Yield Plan shall be a sketch plan drawn to scale that shows the number and location of lots that could reasonably be expected to be permitted if the site would be developed under conventional zoning regulations of the applicable district. Such yield plan shall consider the impacts of steep slope, floodplain, wetlands and similar regulations.
 - 2. In no case shall the maximum number of dwelling units permitted in a SFCD be greater than 10 percent higher than the number of dwelling units that can reasonably be expected to be permitted under the conventional zoning regulations of the applicable district, based upon the same tract of land. Such determination shall be based upon Township agreement with the Yield Plan.

1202. WATER AND SEWAGE DISPOSAL FOR CLUSTER DEVELOPMENTS.

- A. All lots within a SFCD that have a minimum lot area of less than 39,000 square feet shall be served by both:
 - 1. adequate central water service by a water company regulated by the PA Public Utility Commission or by a municipal water authority, and
 - 2. adequate on-lot sewer service meeting all Township and DEP regulations.

- B. The applicant shall prove to the satisfaction of the Board of Supervisors that adequate legal and operating provisions will be in place to ensure adequate perpetual professional maintenance and operations of central water systems along with distribution or collection mains and appurtenances. These assurances shall bind all users of the systems to fund adequate perpetual operation and maintenance of the facilities. At a minimum, these provisions shall be similar to the provisions for owning, maintaining and operating common open space or facilities as established in the PA Municipalities Planning Code, Section 705, and as summarized in Section 1203 of this Article or in conformance with the PA Uniform Condominium Act.

1203. OPEN SPACE AREAS.

- A. Designation. All land used for open space area shall be designated on the plans according to both or either of the 2 categories outlined below:
1. Preserved Agriculture.
 - a. This shall include a single contiguous area of land suitable for crop farming, Christmas Tree farms and/or a plant nursery without retail sales. The applicant shall prove to the satisfaction of the Board of Supervisors that such area is viable over the long-term for such intended uses. These areas shall have 1 legal entity, individual or family as the sole owner.
 - b. The Record Plan shall specify that Preserved Agriculture lands shall not be further subdivided and shall remain in open space and not be developed in any way for a minimum period of 99 years except that the lot may include 1 dwelling unit and except that structures may be constructed as necessary for the intended agricultural uses.
 2. Common Open Space
 - a. Common Open Spaces shall include the preservation of significant natural areas and/or the preservation of areas for active or passive non-commercial recreation. Such recreation areas may either be limited to residents of the development, or may be open to the general public. A priority shall be placed upon preserving areas adjacent to creeks, ponds, wetlands, historic districts, significant natural areas, and other preserved land as open space.
 - b. A minimum of 25 percent of the total required common open space shall be less than 5 percent slope and suitable for active recreation uses. Required common open spaces shall meet the requirements of Section 1007 of the Subdivision and Land Development Ordinance, including but not limited to requirements that the land be free of construction debris.
 - c. The Township may, at the option of the Board of Supervisors, accept a dedication of the common open space to the Township as parkland. Alternative forms of ownership, such as dedication to the State or the County as common open space or preservation by a homeowners

association, are permitted within the standards and procedures of Section 1007 of the Township Subdivision and Land Development Ordinance.

- B. Conveyance and Maintenance of Open Areas. All documents pertaining to the ownership, restrictions, conveyance and maintenance of Preserved Farmland or Common Open Space shall meet the approval of the Township as to legal form, content and effectiveness. All Preserved Farmland and Common Open Space shall be shown as such on the final plan and be recorded in Northampton County.
1. Such legal measures shall include a method of preservation authorized by Section 1007 of the Subdivision and Land Development Ordinance, such as deed restrictions and/or conservation easements. An applicant shall provide evidence to the Township that such measures were put into effect.
 2. If the land is to be maintained by a homeowner or condominium association, such obligation shall be binding upon all current and future property owners in the development. It is the intention of this ordinance to authorize the same remedies provided in Section 705 of the PA Municipalities Planning Code and/or the Pennsylvania Uniform Condominium Act as may be amended, and the same are hereby incorporated by reference.
- C. Other Open Space Requirements. Any open space dedication under this Article shall be in addition to any land dedication or fee requirements of the Subdivision and Land Development Ordinance.

ARTICLE 13

NONCONFORMITIES

1300. **DEFINITIONS.** See Article 2.

1301. **CONTINUATION OF A NONCONFORMITY.** A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

1302. **EXPANSION OF, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES.**

A. **Nonconforming Structure.**

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed, replaced or expanded up to 50 percent of its total area after the submittal of a Plot Plan meeting the requirements of Article 1, provided:
 - a. that such action will not create any new nonconformity, and
 - b. that any expansion within an applicable nonconforming setback will not increase the amount of the nonconformity, and
 - c. that any expansion will comply with other requirements of this Ordinance.
2. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

B. **Nonconforming Lot.**

1. See Section 1000.D. of this Ordinance regarding development permitted on a lawful non-conforming lot. A non-conforming lot may only be developed if:
 - a. it is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
 - b. minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
 - c. if a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.

2. **Setbacks.** The Zoning Hearing Board may grant a special exception to reduce the required setbacks for construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
 3. **Integration.** Contiguous nonconforming lots under common ownership shall be integrated to form lots that would be less nonconforming.
 4. If a proposed development on a nonconforming lot does not meet the requirements of the above Section 1302.B.1., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the State Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would have less significant adverse impacts upon the established character of an existing residential neighborhood than the proposed use.
- C. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
1. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Section 118.
 2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 3. The: 1) total building floor area used by a nonconforming use or the 2) total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 100 percent beyond each such measurement that existed in such use at the time such use became nonconforming. These maximum increases shall be measured in aggregate over the entire life of the nonconformity.
 4. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
- D. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe (including the building area within the required setback area).

1303. DAMAGED OR DESTROYED NONCONFORMITIES.

- A. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if:
 - 1. the application for a building permit is submitted within 13 months after the date of damage or destruction,
 - 2. work begins in earnest within 13 months afterwards and
 - 3. a nonconformity shall not be created or increased by any reconstruction.
- B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

1304. ABANDONMENT OF A NONCONFORMITY.

- A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - 1. as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section and
 - 2. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land, but not including an agricultural or livestock use, is discontinued for 30 days or more, the use shall not be continued, repaired or reconstructed.
- B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

1305. CHANGES FROM ONE NONCONFORMING USE TO ANOTHER.

- A. Once changed to a conforming use, a structure or land or portion thereof shall not revert to a nonconforming use.
- B. A nonconforming use may be changed to a different type of nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects compared to the pre-existing nonconforming use. The Board should review the following types of effects:

1. Traffic generation (especially truck traffic),
2. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
3. Amount and character of outdoor storage,
4. Hours of operation if the use would be close to dwellings and
5. Compatibility with the character of the surrounding area.

1306. DISTRICT CHANGES. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

1307. VOLUNTARY REGISTRATION OF NONCONFORMITIES. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that the non-conformity is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Township may require a reasonable administrative fee for the preparation and review of such statement.

1308. SIGNS FOR NON-CONFORMING USES. An existing lawful non-conforming use may include signs within the same requirements that would apply to that use if the use would be located within the most restrictive zoning district where that use is permitted by right, by special exception or as a conditional use.

ARTICLE 14

SIGNS

1400. SCOPE AND APPLICABILITY.

- A. Permit Required. A Zoning Permit is required for all permanent signs except for Township, official governmental, name and address, and trespass signs. No permit is required for temporary signs or signs which require a mere change of copy on a sign, the customary use of which involves frequent and periodic changes of copy. All signs shall comply with the standards of this Ordinance, whether or not a permit is required.
- B. Nonconforming Signs. Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs and once destroyed or removed shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including lighting) provided such repainted or repaired sign does not exceed the dimensions of the existing sign; wording may also be changed.

1401. CONSTRUCTION. Every sign permitted in this Article must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

1402. LOCATION OF SIGNS.

- A. Not Within Street Lines. No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines, unless specifically authorized by other ordinances and regulations of the Township or in compliance with the Commonwealth of Pennsylvania regulations.
- B. No Traffic Interference. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reasons of color, location, shape, or other characteristic), or through any other means.

1403. HEIGHT. No sign structure that is not part of or supported by a building shall be more than 18 feet above the average ground level at the base of such sign. No sign on a building shall be placed above the eave line.

1404. NUMBER PERMITTED.

- A. On-Premises. Each use shall be limited to the following signs along each street on which the use is located: 1) 1 parallel or projecting sign, 2) 1 window sign, and 3) 1 freestanding sign. The sign area for each street may be computed separately. Window signs shall be regulated as parallel signs if they are permanent in nature.

- B. Off-Premises. No more than 2 off-premises signs shall be permitted in the Township for any single use or land development.

1405. ILLUMINATED SIGNS.

- A. Shielding. Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets.
- B. Prohibited in Residential Districts. Illuminated signs shall be prohibited from all Residential Districts.

1406. REMOVAL. On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this Ordinance.

1407. TEMPORARY SIGNS. See maximum sizes of these signs in Section 1417.

- A. Real Estate. Temporary signs may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located provided that it shall be maintained and removed within 7 days after consummation of a lease or sale transaction.
- B. Construction Sites. Non-illuminated temporary signs identifying the project, developer, contractors and artisans may be permitted on new construction sites, provided they shall be removed within 7 days after completion of the construction work and not more than 1 sign shall be placed on each street frontage of the construction site.
- C. Public Events. Temporary signs may be permitted announcing a political, public, educational, charitable, civic, religious or similar campaign or event for a total period not to exceed 30 days in any calendar year, provided they are removed within 7 days after the conclusion of the campaign or event.

1408. GROUP COMMERCIAL DEVELOPMENTS.

- A. Shopping Centers. In the case of a shopping center, 1 freestanding sign indicating the name of the center or similar use, may be erected. No portion of a shopping center freestanding sign shall be higher than a maximum total of 40 feet above the ground. The area of any one side of such sign shall not exceed 100 square feet. The location and orientation of such sign shall be shown on the development plan.
- B. Others. In the case of a group of business uses other than a shopping center, on a lot held in single and separate ownership, a single freestanding sign including individual signs identifying different establishments may be erected on a common backing, provided that the total area of one side of the sign does not exceed 30 square feet and that any individual sign does not exceed 4 square feet. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the

outside edge of the backing. No portion of any such backing shall be less than 5 feet or more than 12 feet above the ground.

- C. Sign Area. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this Section relating to the total area of parallel signs permitted shall apply with respect to each building, separate store, or similar use. Only parallel signs shall be permitted for individual establishments.
- 1409. PROMOTIONAL DEVICES.** Floodlights, promotional or advertising flags, banners, mobile signs, "A" type, sandwich type, sidewalk or curb signs and balloons or devices shall only be permitted for a new business and an existing business for special occasions not more than 4 times a year in a commercial or industrial district for a period of not more than a total of 30 days. At no other time shall such device be permitted.
- 1410. VEHICLES.** Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but becomes a primary purpose in itself, shall be considered a freestanding sign and as such be subject to the provisions regarding freestanding signs in the district in which such vehicle is located.
- 1411. FARM PRODUCTS.** Signs advertising the sale of farm products (when permitted by this Ordinance) are permitted, provided: 1) the size of any such sign is not in excess of 6 square feet, 2) not more than 2 signs are used, 3) the signs shall only be displayed when such products are on sale, and 4) signs shall not be illuminated.
- 1412. SILOS, SMOKE STACKS, TOWERS.** All sign provisions of this Ordinance shall apply to silos, smoke stacks, water towers, and other similar structures.
- 1413. SIGNS PROHIBITED IN ALL ZONES.**
- A. Banners, spinners, flags, pennants, or any moving object used for commercial advertising purposes whether containing a message or not, except as stated in Section 1409.
 - B. Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature changes.
 - C. Sign places, inscribed or supported upon the roof or upon any structure which extends above the roof of any building.
 - D. Signs on mobile stands which can be moved from place to place.
- 1414. SIGNS FOR NONCONFORMING USES.** When a nonconforming use exists, the applicable sign regulations for that use may be those that would apply to that use as if it were in a zoning district where the use is permitted by right, by special exception or by condition.
- 1415. OUTDOOR ADVERTISING SIGN/BILLBOARD.** Outdoor advertising signs/billboards are permitted pending the following:

- A. Only 1 outdoor advertising sign may be erected per lot fronting onto a public right-of-way.
- B. The lot on which the sign is located must front onto a public right-of-way classified as arterial.
- C. No outdoor advertising sign or any part thereof shall be erected and maintained within 50 feet of a future public street right-of-way.
- D. No outdoor advertising sign or any part thereof shall be erected and maintained within 50 feet of any side or rear property line.
- E. No outdoor advertising sign or any part thereof shall be erected and maintained within 1,500 feet of any other outdoor advertising sign measured from the same side of the road and from the 2 nearest points perpendicular to the right-of-way.
- F. No outdoor advertising sign shall be erected and maintained closer than 500 feet to any residential district, such measurement to be made from the point of location of the sign to the nearest point of such land along a common right-of-way or to the district boundary.
- G. No outdoor advertising sign shall be erected and maintained within 150 feet in either direction along a common right- of-way of a church, school, park, playground, civic or scenic area.
- H. No outdoor advertising sign shall be erected and maintained within 24 feet of any building.
- I. No outdoor advertising sign shall be permitted to exceed a maximum area of 160 square feet, including border and trim but excluding supports. A sign having 2 sides back-to-back or a V-shaped sign with a horizontal angle not greater than 45 degrees, is permitted 160 square feet on each side, or a total maximum area of 320 square feet.
- J. No outdoor advertising sign or any part thereof shall exceed 20 feet in height measured from the natural level of ground immediately underneath the proposed outdoor advertising sign.
- K. In addition to the above mentioned requirements, electronic graphic displays/digital billboards must meet the following:
 - 1. Message Duration. Any portion of the message must have a minimum duration of 8 seconds and must be a static display. Messages may change immediately or fade in and out only. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.

2. Message Default Mechanism. All signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.
3. Brightness. The illumination and/or intensity of the display shall be so controlled so as to not create glare, hazards or nuisances, and shall be compatible with the intensity of ambient light and illumination on surrounding properties.
4. Applicant shall be required to coordinate/permit message access for local, regional, State and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

1416. ELECTRONIC CHANGEABLE COPY SIGN. Electronic changeable copy signs are subject to the following standards:

- A. Audio or Pyrotechnics. Audio speakers and/or any form of pyrotechnics are prohibited.
- B. Duration. Any portion of the message must have a minimum duration of 8 seconds and must be a static display. Messages may change immediately or fade in and out only. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
- C. Time and temperature shall be included, as separate messages.
- D. Brightness. The illumination and/or intensity of the display shall be so controlled so as to not create glare, hazards or nuisances, and shall be compatible with the intensity of ambient light and illumination on surrounding properties.
- E. Default Mechanism. All signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.
- F. Applicant shall be required to coordinate/permit message access for local, regional, State and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

1417. SUMMARY OF SIGN AREA^a REGULATIONS

The maximum sign area^a permitted shall be as follows:

Location of Sign	Type of Sign	Purpose of Sign	MAXIMUM AREA OF SIGN (SQ.FT.) ^a		
			RC and RR Districts	V District	General Commercial & Industrial District
ON-PREMISES ^b	Parallel Sign	Business Identification/Advertising	N.P.	(not exceeding 25% of building face area; no greater than 50 square feet)	(not exceeding 20% of building face area; no greater than 100 square feet)
	Projecting Sign	Business Identification/Advertising	N.P.	(not exceeding 25% of building face area; no greater than 32 square feet)	(not exceeding 20% of building face area; no greater than 32 square feet)
	Window Sign —any window sign that is permanent in nature shall be regulated as a parallel sign.	Business Identification/Advertising	N.P.	(not exceeding 30% of total window area on each street)	(not exceeding 30% of total window area on each street)
	Freestanding Sign	Business Identification/Advertising	N.P.	(not exceeding 1 for each 2 lineal feet of lot frontage or 50 square feet, whichever is smaller)	(not exceeding 1 for each 2 lineal feet of lot frontage or 75 square feet, whichever is smaller)
	All Types	Official Governmental (street signs, stop signs)	N.L.	N.L.	N.L.
	All Types	Name and Address	1 sq.ft.	1 sq.ft.	1 sq.ft.
	All Types	Trespass	2 sq.ft.	2 sq.ft.	2 sq.ft.
	All Types	Home occupation; home professional office	2 sq.ft.	3 sq.ft.	3 sq.ft.
	Parallel	Charitable/Community Service Identification	24 sq.ft.	24 sq.ft.	24 sq.ft.
	Freestanding	Charitable/Community Service Identification	20 sq.ft.	20 sq.ft.	20 sq.ft.
ON-PREMISES ^b (Cont.)	All Types	Subdivision or Development Identification	36 sq.ft.	36 sq.ft.	36 sq.ft.

Location of Sign	Type of Sign	Purpose of Sign	MAXIMUM AREA OF SIGN (SQ.FT.) ^a		
			RC and RR Districts	V District	General Commercial & Industrial District
	All Types	Political/Charitable/ Public Event (Temporary)	4 sq.ft.	4 sq.ft.	4 sq.ft.
	All Types	Real Estate (Temporary)	6 sq.ft.	6 sq.ft.	6 sq.ft.
	All Types	Developer/Contractor (Temporary)	20 sq.ft.	20 sq.ft.	20 sq.ft.
	All Types	Mechanic/Subcontractor/ Other Artisan (Temporary)	12 sq.ft.	12 sq.ft.	12 sq.ft.
	All Types	All Other Uses	2 sq.ft.	3 sq.ft.	3 sq.ft.
OFF-PREMISES ^c	Freestanding	Official Governmental	N.L.	N.L.	N.L.
	Freestanding	Directional	2 sq.ft.	3 sq.ft.	3 sq.ft.
	Freestanding	Outdoor advertising signs/billboards	N.P.	N.P.	160 sq.ft.
	Freestanding	All Other Purposes	1 sq.ft.	1 sq.ft.	50 sq.ft. ^d

^aArea of Signs:

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself.
2. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background, which encompasses all of the letters and symbols.
3. In computing square foot area of a double-facing sign, only one side shall be considered provided both faces are identical in size. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

4. Unless otherwise specified, all square footages are maximum sizes.

^b See Section 1404.1 for permitted number of signs.

^c See Section 1404.2 for permitted number of signs.

^d With a maximum of 1 sign face per lot, and provided that such sign shall be a minimum of 300 feet from any lot line of an existing dwelling and have a maximum height of 30 feet and require special exception approval.

N.P.= Not Permitted

N.L.= No Limitations

In computing square foot area of a double-facing sign, only one side shall be considered provided both faces are identical in size. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

ARTICLE 15

OFF-STREET PARKING AND LOADING

1500. **REQUIRED OFF-STREET PARKING SPACES.** Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this Ordinance, is established, erected, enlarged or altered for any of the following purposes or uses in any district: (For uses not specifically listed, the requirements for the most similar use listed shall be followed. The following provisions apply only to new uses and to any enlargement portions of existing uses.)

Use	Off-Street Parking Space Required	Plus Additional Off-Street Parking Space
A. <u>AGRICULTURAL USES</u>		
Crop farming	2 spaces per dwelling unit	—
Animal husbandry	1 space per every two employees	—
Farmstead and related accessory buildings	2 spaces per dwelling unit	—
Plant nursery/greenhouse	1 space per every 1,000 sf of retail sales area	1 space per every 2,000 sf of land area
Riding stable	1 space per every 2 stalls	—
Kennel	1 space per every 400 sf but no fewer than 4 spaces	—
B. <u>RESIDENTIAL USES</u>		
Single family, two family, townhouses, mobile homes, cluster developments	2 spaces per dwelling unit	—
Residential conversion	1.5 space per dwelling unit	—
Rooming and boarding houses	2 spaces for the owner occupant	1 space per boarding or rooming unit
C. <u>RELIGIOUS, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL USES</u>		
Churches or other places of worship	1 space per every 2 fixed seats, or at least 1 space per 25 sf of floor area devoted to patron use	—
Cemetery	1 space per full-time employee	—
Schools	1 space per faculty and staff member, plus 1 space per 400 sf of gross floor area	Loading space for at least 2 school buses
Community center or cultural facility	1 space per 200 sf	—
Commercial recreation	1 space per 100 sf of gross floor area	—

Use	Off-Street Parking Space Required	Plus Additional Off-Street Parking Space
Outdoor recreation area	1 space per 150 sf of gross floor area, building, or ground area devoted to such use; or 1 space per each 4 seats of facilities available for patron use, whichever is needed by the facility	—
Campground	1 dust free 10x30 space for every campsite	—
Membership club or lodge	1 space per 3 persons of maximum occupancy capacity	1 space per employee on largest shift
Golf courses, driving ranges, miniature golf	3 spaces per hole	1 space per employee on largest shift
Theaters, auditoriums, libraries, skating rinks, stadiums	1 space per 3 fixed seats, or 1 space per 50 sf of gross floor area where there is no fixed seating	1 space per 2 employees
Day care center	1 space per staff member	1 space per 5 children
Nursing homes	1 space per 450 sf of gross floor area	—
Hospital or hospice	1 space per 200 sf of gross floor area	1 space per employee on largest shift
Public facility owned or operated by the Township	1 space per 100 sq.ft. of gross floor area	—
Treatment center	1 space per 2 beds	1 space per staff member
D. <u>OFFICE USES</u>		
Professional services	1 space per 200 sf of gross floor area	—
Medical/dental office or clinic	1 space per 100 sf of gross floor area with a minimum of 4 spaces	1 space per staff member
Business office	1 space per 200 sf of gross floor area	—
E. <u>RETAIL AND CONSUMER USES</u>		
Retail stores and businesses	1 space per 150 sf of gross floor area	—

Use	Off-Street Parking Space Required	Plus Additional Off-Street Parking Space
Personal service business such as barber shops, photo shops, appliance repair	1 spaces per 100 sf of gross floor area	—
Financial institution such as banks, credit unions	1 space per 200 sf of gross floor area	8 stacking spaces for the first drive-in window and 6 stacking spaces for each additional window
Restaurants, taverns	2 space per 100 sf of gross floor area	—
Fast food restaurant with or without drive through service	1 space per 100 sf of gross floor area	—
Shopping centers	1 space per 100 sf of retail sales area	—
Auction house	0.5 space per seat intended for patron use, or 2 spaces per 100 sf of gross floor area, whichever is greater	—
Vehicle sales	1 space per 600 sf of enclosed floor space	1 space per 2,000 sf of outside display area
Automobile servicing and repair	1 space per 200 sf of sales area, plus 3 spaces per service bay	1 space per employee on largest shift
Car wash	4 stacking spaces for each wash stall	2 drying spaces for each washing stall
Funeral home	1 space per 100 sf of gross floor area	—
Hotels, motels	1 space per sleeping room	1 space per 400 sf of public meeting area and restaurant space
Veterinarian office	1 space per 175 sf of leasable floor area or 3 space per veterinarian or allied professional trained person occupying the use, whichever is greater	—
Animal hospital	1 space per 500 sf of gross floor area	Adult use 1 space per 200 sf of gross floor area

F. PUBLIC UTILITIES AND PUBLIC SERVICE USES

Use	Off-Street Parking Space Required	Plus Additional Off-Street Parking Space
Emergency services	3 spaces for each emergency vehicle, where no community room is part of the building; where a community room is provided, 3 spaces for each emergency vehicle plus 1 space for every 100 square feet of gross floor area	—
Essential services	2 spaces or 1 space per employee, whichever is greater	—
Waste transfer facility or landfill	1 space per employee	—
Transportation terminal	5 spaces	1 space per 100 sf of waiting area
Commercial communications tower or antenna	2 spaces	—
Heliport	1 space per 1,000 sf of operational area	1 space per employee
G. <u>INDUSTRIAL USES</u>		
Manufacturing	1 space for every 500 square feet of gross floor area or 2 spaces for every 3 employees on largest shift, whichever is greater	—
Junkyard	1 space for every 5,000 square feet of lot area	—
Motor freight terminal	1 space for every 250 square feet of gross floor area	—
Research, engineering or testing laboratories	1 space for every 500 square feet of gross floor area or 2 spaces for every 3 employees on largest shift, whichever is greater	—
Warehousing	1 space for every 500 square feet of gross floor area	1 space for each company vehicle normally stored on the premises

1501. GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES.

- A. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.
- B. Fractional Spaces. Where the computation of required parking spaces results in a fractional number, the fraction of 1/4 or more shall be counted as 1.
- C. Changes in Use. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 1500 for an increase of 10 percent or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.
- D. Conflict with Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- E. Continuing Character of Obligation. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.
- F. Joint Use.
 - 1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection 1501.F.2 as follows.
 - 2. Up to 50 percent of the parking spaces for a) theaters, auditoriums, bowling alleys, or private clubs, and up to 100 percent of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Solicitor and filed with the application for the Zoning Permit.

- G. Mixed Uses. Where a permitted use contains or includes more than one of the types of uses identified in Section 1500, the number of parking spaces required shall be computed according to the most restrictive parking requirements.
- H. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within 400 feet walking distance of the principal use.
- I. Parking of Business or Commercial Vehicles. Commercial motor vehicles are not permitted to park in Residential Districts except as permitted in Section 405.A.1 or in a totally enclosed garage or for normal commercial deliveries and services to the residents, and except as is specifically permitted in the home occupation provisions of Section 1602.

1502. DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES.

- A. Applicability. The design standards specified in this Section shall be mandatory for all new off-street parking facilities with a capacity of 4 or more vehicles.
- B. General Requirement. Such facilities shall be designed so that their use shall not constitute a nuisance, or hazard, or unreasonable impediment to traffic.
- C. Space Dimensions. All parking spaces shall be provided in compliance with the Off-Street Parking Dimensional Requirements section on the following page.
 - 1. Size and Marking of Parking Spaces. Each parking space shall include a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except:
 - a. The minimum length shall be 22 feet for parallel parking.
 - b. If a lot includes more than 100 parking spaces, a maximum of 15 percent of the required spaces may be a rectangle with a minimum width of 8 feet and a minimum length of 16 feet, provided that those spaces are marked as "Compact Cars Only" and provided that those spaces are distributed in different portions of the lot and do not include the most desirable spaces in the lot.
 - c. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.
 - d. If a parking area is permitted to not be paved, then a minimum width of 10 feet per space shall be used.
 - 2. Parking Aisles.

- a. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

- b. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for areas of parking that are clearly primarily for employees.
 - c. Maximum length of parking aisle- 200 feet.
- D. Accessibility. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- E. Entrance and Exit Drives. The width of entrance and exit drives shall be a minimum of 12 feet and maximum of 15 feet at curb line for one-way use only and a minimum of 20 feet and maximum of 35 feet at the street and/or curb line for two-way use, unless a differing width is specified by PennDOT for access to a State road.
- F. Access Points. At least 40 feet shall be provided between access points and no access point shall be closer than 30 feet from any existing or future street line of the nearest intersection.
- G. Design. Parking areas shall be arranged and marked for orderly, safe movement. No parking areas shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.
- H. Grading, Surface Drainage. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.
- I. Nighttime Illumination. Parking areas shall be adequately illuminated if designed for use by more than 3 cars after dusk. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

- J. Separated from Street. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall be not less than 10 feet in depth. This 10 feet planting strip shall be parallel to the street line and shall be measured from the street line.

- K. Screening. All spaces not within a building, or any parking or off-street loading area of 5 or more spaces which abuts or is across a street from any lot in a residential district, shall be provided with a suitable fence, wall, or evergreen planting at least 4 feet in height, designed to screen visibility and headlight glare from such residential lot.

- L. Handicapped Parking.
 - 1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of 1 handicapped space. Refer to the Federal Americans With Disabilities Act to determine the required number of spaces to be provided.
 - 2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
 - 3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 foot wide access aisle. Such access aisle may be shared by 2 handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
 - 4. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
 - 5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

1503. OFF-STREET LOADING.

- A. General Requirement. Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley as determined by the Zoning Officer or another applicable review agent for the Township shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer to the extent necessary to protect adjoining property.

- B. Minimum Size. Each off-street loading and unloading space shall be sufficient in size to accommodate the largest intended to be used and shall have sufficient

maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

- C. Minimum Width of Driveways. See Section 1502.E.

1504. BUFFERING AND LANDSCAPING OF PARKING AREAS.

- A. All parking lots of 10 or more parking spaces shall be enclosed, except for entrances and exits, by a dense buffer not less than 4 feet in height.
- B. All parking lots or areas for off-street parking or for the storage or movement of motor vehicles shall be separated from the ultimate right-of-way line by a barrier planting strip not less in width than $\frac{1}{2}$ the front yard requirement or 10 feet, whichever is greater, except for necessary accessways.
- C. Between every 20 contiguous parking spaces in a row, there shall be a planting strip 10 feet wide and suitably planted which shall serve as a physical separation between every 20 parking spaces. In addition, parking islands 10 feet wide shall be constructed between each parking row.
- D. No less than 10 percent of the parking area shall be used for parking islands and planting strips. This measurement shall be exclusive of other required buffer areas.

ARTICLE 16

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

1600. PURPOSE. This Article sets forth conditions and procedures which must be met before a conditional or special exception use or selected permitted-by-right uses can receive approval and be granted a zoning permit.

1601. CONDITIONS FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS.

- A. The Township Board of Supervisors shall approve any proposed conditional use and the Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet all of the general requirements (1601.C.), any specific requirements and standards which may be listed in Section 1602 through the end of this Article 16, all other applicable provisions of this Ordinance and the Township Subdivision and Land Development Ordinance, and all applicable State and Federal regulations known to the Township.
- B. Conditions. In granting a special exception or conditional use, the Zoning Hearing Board or Board of Supervisors, as applicable, may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance. Conditions imposed by such Board shall automatically become conditions of the construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.
- C. General Standards. The general standards for a special exception or conditional use shall be as follows:
1. Other Laws. Will not clearly be in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.
 2. Traffic. Will not result in or significantly add to a significant traffic hazard or significant traffic congestion.
 3. Safety. Will not create a significant public safety hazard, including fire, toxic or explosive hazards.
 4. Stormwater Management. Will follow adequate, professionally accepted engineering methods to manage stormwater. Stormwater shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of stormwater management by the Board of Supervisors under the Subdivision and Land Development Ordinance or a Township Stormwater Ordinance.
 5. Neighborhood. Will not significantly negatively affect the desirable character of an existing residential neighborhood.
 6. Site Planning. Will involve adequate site design methods, including plant

screening and setbacks as needed to avoid significant negative impacts on adjacent uses.

7. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Ordinance, as stated in Articles 10 and 11.

1602. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES. The following uses shall have the following additional requirements, in addition to the requirements of the applicable zoning district.

A. ADULT USE. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use)

1. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, residential district, place of worship, public park, day care center, child nursery, library, existing dwelling, or any site marked as a proposed future park location on any Township Official Map.
2. No such use shall be located within 1,000 lineal feet of any existing "adult use."
3. A 30 foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 1106, but with plantings of an initial minimum height of 5 feet.
4. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
5. The applicant must prove to the satisfaction of the Zoning Hearing Board that such use would not in any way adversely affect the character of the surrounding area, including property values.
6. No such use shall be used for any purpose that violates any Federal, State or Township law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has continuing knowledge of and allows to occur shall be sufficient reason for the Township to withdraw Township permits.
7. See Prohibited Signs in the Sign Article of this Ordinance.
8. No such use shall be allowed in combination with the sale of alcoholic beverages.
9. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
10. These uses are specifically prohibited in all Districts except where specifically permitted.
11. A minimum lot area of 2 acres is required.
12. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
13. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
14. Only "lawful" massages as defined by State court decisions shall be

- performed in a massage parlor.
15. Except within a permitted adult live entertainment use, all persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola.
 16. The applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 500 feet of the subject property at least 10 days prior to the hearing date.

B. ADULT DAY CARE CENTER.

1. Shall be fully licensed by the State, if required by the State.
2. Shall include constant supervision during all hours of operation.
3. Shall not meet the definition of a "non-handicapped treatment center."

C. AIRPORT.

1. Minimum lot area for airport- 25 acres.
2. Airplane runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
3. The site and its design shall be approved by the PA Bureau of Aviation.
4. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
5. The end of any runway shall be a minimum of 1,000 feet from the lot line of any existing dwelling which the applicant for the airport does not own or does not have an agreement of sale for. Any portion of a runway shall be 100 feet from any other lot line.
6. Conditions. The Board of Supervisors may place such necessary and reasonable conditions on the use to carry out the objectives of this Ordinance. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of approach. However, the Board of Supervisors shall not place any conditions on the use that will seriously interfere with the safety of the operations.

D. AUTO REPAIR GARAGE OR AUTO BODY SHOP.

1. All repair, body, frame and paint work shall be performed within an enclosed building.
2. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
3. Buffer yard requirements of Section 1106 shall be met.
4. Outdoor storage of autos and other vehicles shall only be permitted back of the required minimum front building line and shall be no closer than 20 feet from side and rear lot lines.
5. Any vehicles on the lot that are waiting for repair shall be screened from view from an abutting single family detached dwelling by an evergreen planting screen.

6. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicles shall be stored in excess of 45 days.

E. AUTO, TRUCK, MOBILE HOME, BOAT OR RECREATIONAL VEHICLE SALES.

1. Parking and loading provisions shall be made in accordance with Article 15 and any special provisions which the Township deems are essential to carry out the general requirements of Article 16.
2. Buffer Yards and Screening of Outdoor Storage - See Section 1106.

F. AUTO SERVICE STATION.

1. The minimum lot width shall be 200 feet along each street on which the lot abuts.
2. All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
3. Fuel pumps shall be at least 25 feet from any street right-of-way line.
4. All automobile parts, dismantled vehicles are located within a building.
5. Full body paint spraying or body and fender work shall not be permitted.
6. Automobiles that are taken to a service station for outside storage because of an accident may remain no longer than 30 days from the day the car arrives at the station unless otherwise extended by the Zoning Officer.

G. BED AND BREAKFAST USE.

1. No more than 8 guest rooms shall be provided and no more than 2 adults and 2 children may occupy one guest room.
2. One off-street parking space shall be provided for each guest room, plus two off-street parking spaces for the proprietor of the facility. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the street and abutting dwellings by evergreen screening.
3. At least one bathroom shall be provided for use exclusively by guests.
4. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 14.
5. No external alterations or changes to the exterior structure shall be permitted that reduce the residential appearance of a building except as required by the PA Department of Labor and Industry or for safety reasons as required by any other governmental agency or to restore an older building to a historic appearance.
6. The use shall be carried on by members of the immediate family, who must reside on the premises.
7. There shall be no separate kitchen or cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
8. The maximum, uninterrupted length of stay at a bed and breakfast shall be

- 14 days.
9. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests and permanent residents of the establishment.
 10. The existing sewage disposal system shall be recertified as being adequate, in accordance with State regulations.
- H. BUS OR TAXI CAB TERMINAL. A 20 foot buffer yard in accordance with the provisions of Section 1106 shall be provided along the side and rear lot lines.
- I. CAMPGROUND. Shall have a 50 foot buffer yard in accordance with Section 1106.
- J. CEMETERY.
1. No graves, monuments or structures shall be located within 20 feet of an abutting residentially-zoned lot exterior to the cemetery.
 2. An interior driveway may be located within the 20 foot setback.
 3. No grave site may be closer than one foot from any driveway.
 4. Driveways shall be a minimum of 10 feet wide.
- K. COMMERCIAL RECREATION. Shall have a 50 foot buffer yard in accordance with Section 1106.
- L. COMMUNICATIONS ANTENNAE (INCLUDES TOWER), COMMERCIAL.
1. A commercial communications antennae shall be setback a minimum distance 1.1 times its height from all lot lines and existing street right-of-way lines.
 2. A freestanding commercial communications antennae with a height greater than 50 feet above the natural ground level shall not be located in a residential district other than RC unless the applicant proves to the satisfaction of the Zoning Hearing Board that no other appropriate sites in other Districts are available within the Township, especially space on existing towers.
 3. The base of a freestanding antennae shall be surrounded by a secure fence with a minimum height of 8 feet.
 4. Any freestanding antennae that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 1106.
 5. All structural components shall be treated to resist rust and corrosion.
 6. An applicant for such antennae shall provide certification from a professional engineer that such antennae will be able to meet the applicable wind resistant standards of the National Building Code for such use.

Editors Note – See Also Article 8.

M. COMMUNITY CENTER, ADULT EDUCATION CENTER OR SIMILAR FACILITY OPERATED BY AN EDUCATIONAL, PHILANTHROPIC OR RELIGIOUS INSTITUTION. Shall have a 20 foot buffer yard along sides and rear property in accordance with Section 1106.

N. COMPOSTING.

1. Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste. The composting shall not include animal wastes or fats.
2. Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard or noxious odors are not created.
3. Composting areas of greater than 1/2 acre shall be setback a minimum of 75 feet from all "residential lot lines" and 50 feet from all other lot lines. In addition, any composting of grass clippings shall be setback a minimum of 25 feet from any adjacent dwelling.

O. CONVERSION OF EXISTING SINGLE FAMILY DETACHED DWELLING TO A MAXIMUM TOTAL OF 2 OR 3 DWELLING UNITS.

1. The lot area per existing structure shall be not less than that required for the District.
2. The property shall comply with the yard and building area requirements for the District.
3. Required off-street parking shall be available.
4. No structural alteration of the building exterior shall be made except as may be necessary for purposes of sanitation or safety.
5. The square feet of floor area per dwelling unit shall not be less than 500 square feet.
6. All applicable State and local codes regarding fire, safety and housing shall be met.
7. See Section 1103.B regarding possible recertification of on-lot septic systems.
8. Only residential structures built prior to the original zoning ordinance #7 adopted in 1966 may be converted to additional numbers of dwelling units.
9. If the building will need approval by the State Department of Labor and Industry, then the applicant shall provide evidence of such compliance to the Township.

P. DAY CARE CENTER. - as a principal use

1. See also day care center as an accessory use in the following sub-section.
2. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA Department of Public Welfare registration certificate or license.
3. Convenient parking spaces within the requirements of this Ordinance shall

be provided for persons delivering and waiting for children.

4. In residential districts, as a principal use, shall have a minimum lot area of 25,000 square feet.
5. Shall include adequate measures to ensure the safety of children from traffic or other nearby hazards.
6. Outside play areas in Residential Districts shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of a dwelling.
7. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling.
8. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
9. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
10. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.

Q. DAY CARE CENTER AS ACCESSORY USE TO A RESIDENTIAL USE.

1. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
 - a. In a single family detached dwelling with a minimum lot area of 10,000 square feet and a 10 foot setback from all existing dwellings: maximum of 6 children who are not "related" (see definition in Article 2) to a permanent resident of the dwelling.
 - b. In any other dwelling unit: maximum of 3 children, beyond those children who are "related" to a permanent resident of the dwelling.
2. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
3. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 1602.P for such use, as permitted.
4. The use shall be actively operated by a permanent resident of the dwelling.

R. DRIVE-IN SERVICE OF A RESTAURANT.

1. Access points shall be limited to 2 on each street abutting the lot.
2. On-lot traffic circulation channels and parking areas shall be clearly marked.
3. Shall have a 20 foot buffer yard in accordance with Section 1106.

S. ESSENTIAL SERVICES (BOTH INCLUDING & EXCLUDING BUILDINGS).

1. All applicable provisions of the ordinance shall be met, except the Zoning Hearing Board may grant a special exception to reduce the minimum lot area to 20,000 square feet provided all yard areas are met, if no on-lot sewage facilities are required and if the Board determines significant

nuisances would not be created.

2. Shall have a 20 foot buffer yard along sides, rear and front lot lines of the property except at access points in accordance with Section 1106.

T. FORESTRY. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of Bushkill Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

1. General regulations.

- a. When a property owner wishes to conduct, or permit to be conducted, a timber harvesting operation on his or her property, such owner shall obtain a timber harvesting permit from Bushkill Township.

- b. A timber harvesting permit shall not apply to:

- i. Work performed on clearing subdivision roads and rights-of-way approved by the Township.
- ii. Work performed in accordance with a land development plan approved by the Township.
- iii. The cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement on lots less than one acre in size. Timber harvested for the above stated purposes will not leave the site.

- c. Bushkill Township shall be notified in writing before any timber harvesting operation begins and terminates. The Township shall be notified 5 business days prior to starting the timber harvest and 5 business days prior to terminating the operation.

2. Submission requirements for permit application for timber harvesting operations.

- a. Any timber harvesting operation shall be undertaken in accordance with a Timber Harvesting Plan approved by Bushkill Township. All Timber Harvesting Plans shall be submitted to the Township for review for compliance with the standards for timber harvesting operations set forth herein not less than 45 days prior to commencement of the timber harvesting operation. Within 30 days of submission to the Township, a Timber Harvesting Plan shall be approved, denied or approved subject to reasonable conditions and

the Applicant so notified in writing.

- b. Any Timber Harvesting Plan submitted to Bushkill Township for review and approval shall include a plan or plans indicating the following information:
 - i. Purpose of the proposed operation.
 - ii. Name, address and telephone number of forestry operator.
 - iii. Total land area involved in the proposed timber harvesting operation.
 - iv. Total number of trees selected for harvesting.
 - v. Erosion and sedimentation plan.
 - vi. Reforestation narrative outlining the revegetation of the land area, skid trails and harvest areas.
 - vii. A chart indicating the quantity of trees and the species of trees selected for harvesting.
 - viii. Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting.
 - ix. The general location of the proposed operation in relation to municipal and state roads and any proposed accesses to those roads.
 - x. Existing watercourses, floodplains and wetlands.
 - xi. The required 50 foot buffer along any harvesting area, landing area, public road, watercourse or wetland as specified in Section 3.a below.
 - xii. Topography of the property, including all slopes of 25% or greater.
 - xiii. Earth disturbance locations, including skid trails and landing areas.
 - xiv. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - xv. Design, construction and maintenance of water control measures and structures.
 - xvi. Design, construction and maintenance of proposed stream and wetland crossings.
- c. Before any permitted timber harvesting operation begins, all trees that are at least 8 inches DBH to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree or stand of trees shall be felled that has not been designated for removal on the approved Timber Harvesting Plan.
- d. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copies of all required permits

shall be submitted to the Township at least 20 days prior to commencement of the timber harvesting operation.

3. Timber harvesting operation regulations.
 - a. A 50 foot buffer zone, within which no timber harvesting shall occur, shall be required between the boundary of any timber harvesting area and any public street, road, or watercourse or wetland.
 - b. Timber harvesting is prohibited within a floodplain and wetlands.
 - c. Clear-cutting is permitted on slopes of 15% but less than 25% where it is done for the purposes of managing or improving the natural habitat. Clear-cutting is prohibited on areas with slopes of 25% or greater.
 - d. Trees falling on adjacent properties as a result of a timber harvesting operation shall be returned immediately to the landowner's property, who shall be responsible for any damage, cost or restoration to the affected adjacent property.
 - e. Felling or skidding on or across any public road or right-of-way is prohibited without the express written consent of Bushkill Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.
 - f. No treetops or slash shall be left:
 - i. Within 50 feet of any public road, street, adjacent property or private roadway providing access to any adjoining property.
 - ii. On or across the boundary of any property adjoining the timber harvesting operation without the written consent of the owner thereof.
 - iii. In a floodplain or wetland.
 - g. All tree tops, limbs and slash shall be cut to a height of no more than 4 feet above ground level.
 - h. The stumps of all felled trees shall be permitted to remain for soil stabilization provided that they extend no more than 2 feet above grade.
 - i. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.

- j. During the periods of abnormal forest fire danger, as determined by the Bushkill Township Volunteer Fire Company, the Township shall have the authority to order a suspension of timber harvesting operations until the danger subsides.
- k. Bushkill Township shall have the authority to order the suspension of any timber harvesting operation if, in the opinion of the Township, conditions created by the spring thaw, adverse weather or any other cause makes soil erosion likely.
- l. Upon completion of the timber harvesting operation, all disturbed areas including, but not limited to, the landing areas and skid trails shall be revegetated pursuant to the Timber Harvesting Plan approved by the Township.
- m. A timber harvesting operation shall not include any onsite processing of harvested trees or manufacturing except as defined in a Timber Harvesting Plan approved by the Township.
- n. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Bushkill Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township with advice from the Municipal Engineer.

4. Right to inspect.

- a. Bushkill Township, by its own personnel or outside agent, may enter upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
- b. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to enter upon the site before, during and after the timber harvesting operation to ensure and require compliance with both the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

5. Violations.

- a. Upon finding that a timber harvesting operation is in violation of

any provision of this Section, Bushkill Township shall issue the logging operator and the landowner a written notice of violation in accordance with the provisions of this Ordinance regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.

- b. The Township may order the immediate suspension of any timber harvesting operation and may institute any appropriate action to prevent, restrain, correct or abate the violation of this Article upon finding that:
 - i. Corrective action has not been taken by the date specified in a notice of violation.
 - ii. The operation is proceeding without a Timber Harvesting Plan.
- c. Suspension orders shall be in writing and shall be issued to the forestry operator and the landowner and shall remain in effect until the timber harvesting operation is brought into compliance with this Article or other applicable statutes or regulations.

U. GOLF COURSE.

- 1. No fairway, green or other use area shall be located closer than 50 feet to any exterior lot line.
- 2. All buildings shall be setback a minimum of 100 feet from any exterior lot line.
- 3. A golf course shall have a maximum impervious coverage of 10 percent.

V. GROUP HOME.

- 1. See definition in Article 2.
- 2. The use shall include adequate supervision by persons trained in the field the group home serves.
- 3. Certification. If applicable, the use shall be licensed or certified under an applicable Federal, State or County program. A copy of any such license or certification shall be filed with the Zoning Officer and shall be shown by the applicant to the Zoning Officer upon request.
- 4. Application and Notification. An application shall be submitted to the Zoning Officer stating the proposed location, general type of client, general type of treatment/care, level of supervision, maximum number of residents, name of the primary operator and name of any sponsoring agency. The Zoning Officer shall be notified in writing within 14 days if there is any change in any of this information or if any applicable license or certification expires, is suspended or is withdrawn.
- 5. Non-Residents. Any treatment or counseling services within a group home in a residential district shall be restricted residents and a maximum of 3 non-residents per day.

6. Parking. If a group home would include 4 or more clients of a type who can reasonably be expected to be able to and allowed to drive a vehicle, then the group home shall include a minimum of 3 off-street parking spaces. Any parking area of more than 4 spaces shall be required to include evergreen screening abutting any dwelling.
7. Appearance. A group home within a residential district shall be maintained and/or constructed with a clearly residential appearance. No exterior signs shall identify the use.
8. Septic. If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the applicant shall provide evidence to the Sewage Enforcement Officer that such system is properly functioning and sufficient in size to serve the use.
9. Visitors. Employees of the group home shall not have visitors on the premises except for persons necessary for the operation of the use.

W. HELIPORT, PRIVATE USE.

1. Minimum lot area - 5 acres.
2. Minimum setback of 200 feet from the center of the heliport pad to all lot lines.
3. The heliport must meet all State and Federal requirements and the applicant shall obtain letter of approval from Federal and State authorities.
4. Copies of all application materials filed with Federal and State authorities must also be sent to the Township.
5. Said heliports are to be PRIVATE USE HELIPORTS ONLY (see definition), and use, access, take-off and landing privileges shall be limited to the owner of the lot and his/her family. A maximum of only one transient helicopter may use the heliport per day.
6. Any storage of fuel must be above ground, with a 500-gallon maximum and adequate spill containment capacity.
7. A permit for a private use heliport as a conditional use shall be valid for a period of one year only, and shall be renewed each year after the applicant shows to the Zoning Officer proof of compliance with this Ordinance and any and all State and Federal regulations pertaining to same.
8. The hours of operation shall be from 7:00 a.m. until 10:00 p.m., except for emergency use (such as Medivac).
9. The heliport must be approved for VFR (Visual Flight Rules) only. Take-offs or landings may only be done under Visual Flight Rule conditions.

X. HOME OCCUPATION, GENERAL. (see definition in Article 2)

1. A maximum of 1 person who is not a permanent resident of the dwelling may be employed on the dwelling site. A maximum of 3 total persons may be based at the dwelling for work purposes. Additional persons may be employed to work off-site.
2.
 - a. The home occupation may be conducted within a principal and/or accessory residential building.
 - b. The total floor area used for a home occupation shall not be equal

- to more than 25% of the total floor area of the principal dwelling unit or 750 square feet, whichever is more restrictive.
3. There shall be no outdoor operations or outdoor storage of materials, products or equipment.
 4. Signs and Displays. No exterior changes shall occur that reduce the residential appearance of any building. There shall be no use of show windows, business display or advertising visible from outside the premises, except for: 1 non-illuminated sign with a maximum sign area of 2 square feet on each of two sides, with a maximum height of 5 feet.
 5. Truck Traffic.
 - a. Traffic to the use by trucks (other than U.S. Postal Service vehicles, pick-up trucks or standard-sized vans) shall only routinely occur a maximum of twice per day. The use shall not involve the parking of 3 or more trucks of any type on the lot or on adjacent streets at any period of time.
 - b. The use shall not need servicing by tractor-trailer trucks or require the outdoors on-street or on-private property parking of one or more vehicles with more than 1 ton loading capacity each.
 - c. No grading equipment or bulldozers shall be based at or parked on the lot or need to be parked on an abutting street.
 6. Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation or musical instruction.
 7. The following uses shall not be permitted as a home occupation: veterinarian office, stable, kennel, funeral home, retail store, restaurant, excavating contractor (other than simply an office) or trucking company terminal.
 8. Nuisances. No machinery or equipment shall be permitted that produces noxious noise, odor, vibration, light or electrical interference beyond the boundary of the property. In addition, only types of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
 9. Parking and Loading -
 - a. Adequate space(s) for off-street parking and loading shall be provided if determined to be necessary by the Zoning Hearing Board.
 - b. The amount of parking in the required front yard should be held to a minimum to maintain a residential character. Therefore, the Board may allow appropriate, safe on-street areas to be used to meet a portion of parking needs.
 - c. If additional parking is needed beyond what can be accommodated using appropriate on-street spaces and a residential-style driveway, then the Board may require that such parking be provided in the rear of the home if practical.
 10. Building Appearance - The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
 11. Hours - A home occupation shall not be conducted in a way that is

perceptible from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m.

12. Hazardous Substances - The use shall not involve the storage or use of hazardous, combustible or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.
13. Traffic - The use shall not routinely involve the arrival at the property for business purposes of more than 10 vehicles per day. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
14. Instruction - Any instruction or tutoring shall be limited to a maximum of: 4 students on the property at any one time and 8 students on the property on any day.
15. Barber/Beautician - Any barber, beautician, hair stylist or similar personal service use shall only be permitted as a home occupation if only 1 person is working on the premises at any point in time.
16. Law or Medical Office - A medical doctor, chiropractor, dentist or attorney's office shall only be allowed as a home occupation if the property abuts an arterial street.
17. Site Plan. An applicant for a General Home Occupation shall submit a site plan to the Zoning Officer. Such plan need not be prepared by a professional, but shall be drawn to scale. Such plan shall include locations of existing and proposed buildings, off-street parking, driveways, wells and on-lot septic systems, with proposed features distinguished from existing features.

Y. NO-IMPACT HOME-BASED BUSINESS. No-impact home-based business shall be permitted in all residential districts of the Township as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community. A no-impact home-based business must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with

residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
8. The business may not involve any illegal activity.

Z. HOSPITAL.

1. All applicable provisions of this Ordinance shall be met.
2. Shall have a 20 foot buffer yard on side and rear yards in accordance with Section 1106.

AA. JUNKYARD. (includes automobile salvage yard) See also Township Code of Ordinance Article 3700, Permit for Junk Dealers

1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
2. Outdoor storage of junk shall be at least 50 feet from a front, rear or side lot line or boundary, as measured from the property line or legal right-of-way.
3. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
4. A landscaped screen of trees and/or shrubs of varieties capable of attaining a continuous height of 6 feet within 2 years shall be planted along the 50 foot setback line. All required open areas between said screen and lot lines shall be maintained and kept free of debris, rubbish, weeds and tall grasses.
5. Burning or incineration of vehicles or junk is prohibited.
6. See the noise and/or dust regulations of Article 11.
7. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
8. Lot area - 3 acres minimum; 20 acres maximum.
9. Tires - see the "Outdoor Storage and Display" standards in Section 605.

CC. KENNEL, VETERINARY OFFICE OR ANIMAL HOSPITAL. An outside kennel or pen is allowed on tracts of land 5 acres or more, if located 200 feet from any property line. On tracts of land less than 5 acres, all kennels or pens shall be sound protected and located inside buildings.

DD. LANDFILL, SANITARY OR SOLID WASTE TRANSFER STATION.

1. All solid waste storage and disposal shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.

2. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential district or publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase or the banks of any perennial creek or river.
3. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
4. No burning or incineration shall be permitted.
5. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
6. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas.
7. In cooperation with DEP requirements, an appropriate double liner and a system to collect and treat leachate and methane is very strongly encouraged for any sanitary landfill.
8. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
9. A chain link or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
10. A minimum total lot size of 5 acres (which may include land in an adjoining municipality) is required for a demolition materials landfill and 25 acres for any other type of sanitary landfill. For a solid waste transfer facility, a minimum lot size of 5 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 750 tons per day.
11. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
12. Attendant. An attendant shall be present during all periods of operation or dumping.
13. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
14. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
15. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 8 p.m.

16. Tires shall not be stored in such large unseparated piles as to cause a fire safety hazard, in the determination of a fire official appointed by the Board of Supervisors to review such matters.
17. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
18. Dangerous Materials. No radioactive, hazardous, chemo-therapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
19. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.
20. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a sanitary landfill is underway and for a minimum of 3 years after any landfill is closed.
21. For any transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drain to a holding tank that is then adequately treated.
22. At least a portion of the solid waste disposal facility shall be within 1.5 miles by road of an interchange of an expressway.
23. The applicant shall provide a professional analysis of the expected impacts of the facility on air quality, groundwater quality and surface water quality, and expected health hazards to humans.

DD. LIBRARY - PUBLIC, FIRE OR POLICE STATION.

1. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened.
2. Shall have a 20 foot buffer yard in accordance with Section 1106 if abutting an existing dwelling.

EE. MEMBERSHIP CLUB.

1. Any outdoor recreation areas shall be screened to protect the neighborhood from any possible noise and shall be located no closer to any lot line than the required front yard depth with a 20 foot buffer yard on all sides of the property in accordance with Section 1106.
2. Adequate police protection shall always be provided for events attracting large numbers of the public, with the Township Supervisors having authority to specify the cost to the operators of the Club.

FF. MINERAL EXTRACTION.

1. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
2. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting

- some economically productive future use.
3. A 75 foot wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earthen berm averaging a minimum of 6 feet in height and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 605.G.
 4. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 5. Fencing. The Board may require secure fencing in locations where needed to protect public safety.
 6. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
 7. Hours of Operation. The Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 8. An application for a mineral extraction use shall include the following information:
 - a. A scaled map, prepared by a professional engineer, showing:
 - 1) the proposed area to be excavated (and maximum depth);
 - 2) other land to be affected including but not limited to: i) storage sites for overburden, ii) access and haulage streets, iii) storage sites for equipment, and iv) offices and other accessory structures;
 - 3) lot lines of adjacent lots, and owners and existing uses of these lots;
 - 4) watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
 - 5) any wetlands and forested areas to be removed or protected and preserved as part of the use.
 - b. A detailed land reclamation plan of the area to be excavated, showing:
 - 1) proposed reclaimed use and topography of the land following the mineral extraction;
 - 2) actions to be taken during mining to conserve and replace topsoil removed during mining operations;
 - 3) reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.

GG. MOBILE HOME FOR OPERATING FARM. Will be allowed on a temporary

basis for farm employees provided the dimensional and other applicable requirements of this Ordinance for single family detached dwellings in the district shall be met. A 25-acre minimum lot area shall be required. A maximum of 2 such dwellings per lot or maximum of 5 residents per dwelling unit shall be permitted. An annual permit shall be required.

HH. MOBILE/MANUFACTURED HOME on an individual lot or within a mobile/manufactured home park.

1. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the UCC for the actual construction of the unit itself.
2. Shall have a site graded to provide a level, stable and well-drained area.
3. Shall have wheels, axles and hitch mechanisms removed.
4. Foundation. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that a) is recommended by the manufacturer of the home or by the manufacturing housing industry or b) is specified by the UCC:
 - a. The foundation system shall consist of 10 inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on 8 feet centers along each of the two main longitudinal frames for each section of the home with no more than 3 feet overhang at each end of the section.
 - b. One-half inch diameter by 12 inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system in compliance with building codes. The concrete support blocks shall not be wider than the support foundation.
 - c. The mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and 2 midpoints. The tiedown shall also be in accordance with the manufacturers' recommendations furnished with each home.
 - d. Mobile homes shall not be placed more than 4 feet above the supporting ground area.
5. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home.
6. Should be located with the longest side facing the public street. The main entrance shall face onto a street.

II. MOTEL OR HOTEL. A minimum 20 foot buffer yard along side and rear property lines that are adjacent to a residential lot line shall be provided in

accordance with Section 1106.

JJ. NURSING HOME OR PERSONAL CARE HOME.

1. The use shall be licensed by the State as a Nursing Home or a Personal Care Home.
2. Shall have a 20 foot buffer yard on side and rear yards in accordance with Section 1106 adjacent to any abutting "residential lot line."

KK. PARKING OR GARAGE AREA. As a principal use, parking areas involving more than 25 spaces shall have 20 foot buffer yards along side and rear property lines in accordance with Section 1106 if abutting a "residential lot line."

LL. PLACES OF WORSHIP.

1. Shall have a minimum lot area of 2 acres.
2. Shall provide sufficient parking and assure safe pedestrian and vehicular circulation.
3. A 20 foot buffer yard in accordance with Section 1106 shall be installed on side and rear lot lines that abut an existing dwelling unit.

MM. PLANNED INDUSTRIAL, OFFICE OR RESEARCH PARK.

1. Shall be totally planned to function as a single development unit.
2. Shall be in accordance with the performance standards of this Ordinance and in accordance with all development standards of the Township Subdivision and Land Development Ordinance.
3. Shall contain only those individual uses permitted in the district.

NN. PRIVATE, SEMI-PUBLIC, NONPROFIT OR COMMERCIAL RECREATION LIMITED TO CAMPS, NON-HOUSEHOLD SWIMMING POOLS, PICNIC GROUNDS, AND FISHING.

1. Assurance that there will be maximum public health and safety, including traffic, water supply, sewage collection and disposal, solid waste disposal and related health and safety facilities.
2. Assurance that all special State and local permits are issued to conduct one or more of these uses.
3. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
4. A 50 foot buffer yard around the entire property in accordance with Section 1106 shall be required abutting an existing dwelling.
5. Any pool shall be entirely enclosed with a secure, good quality chain-like or preferably a wooden or other equivalent fence not less than 6 feet in height.
6. The Township Engineer shall certify that the drainage of any pool is

adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

7. No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
8. No lighting shall be permitted which will shine on adjacent residential property.

OO. RESIDENTIAL ACCESSORY USES AND STRUCTURES. See Section 405 of this Ordinance.

PP. RIDING STABLES.

1. The use shall be conducted on a lot no smaller than 10 acres.
2. No new barns, animal shelters, stables, feed yards or manure storage areas will be located closer than 150 feet from all dwellings except the dwelling of the owner or lessee, or from all property lines.
3. No additions to existing barns, animal shelters, stables, feed yards or manure storage areas will be located closer than 150 feet from all streets, property lines, District boundaries and dwellings except the dwelling of the owner or lessee.
4. All provisions of the Nutrient Management Act must be followed, as applicable.

QQ. ROOMING OR BOARDING HOUSE.

1. The maximum number of rooms allowed for rent shall be 6.
2. The property shall comply with the yard, lot and building area requirements for the district.
3. The required off-street parking shall be available.
4. No structural alteration of an existing residential building exterior shall be made except as may be necessary for purposes of sanitation or safety.
5. The square feet of floor area per room shall not be less than 90 square feet.
6. All applicable State and local codes regarding fire, safety and housing shall be met.
7. See the requirements of Section 1103 regarding possible recertification of on-lot septic systems.

RR. SATELLITE ANTENNAS.

1. Satellite antenna shall be a permitted by right accessory use in all Districts for all uses subject to the restrictions in this sub-section.
2. Location and Number.
 - a. In a residential district, a satellite antenna shall neither be located between a residential use and the front lot line nor on a corner lot between a residential line and any public street (other than an alley).
 - b. A satellite antenna shall comply with the setback requirements of an accessory use in all Districts.

- c. A satellite antenna may be placed on the roof of a structure in a residential district only if such antenna would not be visible from a public street. An antenna may be roof-mounted in any other district, without limitations on visibility.
 - d. A maximum of 1 satellite antenna shall be permitted on any lot in a residential district.
3. Size and Height.
- a. A satellite antenna shall have a maximum diameter of:
 - 1) 11 feet in a residential district,
 - 2) 15 feet in a non-residential district.
 - b. A ground-mounted satellite antenna shall have a maximum possible height of 15 feet above the average ground level in a residential district.
 - c. In a non-residential district, a satellite antenna shall have a maximum height of 25 feet above the average ground level if the antenna is ground-mounted, or 20 feet above the highest point of a roof if roof-mounted.
4. Screening. In a residential district, any satellite antenna that is ground-mounted shall be screened by appropriate evergreen plantings between the antenna and any public street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the signals.
5. Large Lot Exemption. If a satellite antenna is to be located a minimum of 200 feet from all exterior lot lines, the requirements of this section shall not be binding, other than the height requirements.

SS. SELF-STORAGE DEVELOPMENT

- 1. All storage units shall be fire-resistant and water-resistant.
- 2. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items stored out-of-doors must be licensed and inspected (if applicable), and in operable condition.
- 3. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall not be stored.
- 4. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas or driveway areas.
- 5. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- 6. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.
- 7. All outdoor storage areas shall be adequately screened from view of minor arterial roads or existing dwellings.

TT. SEPTAGE. The use shall comply with Section 1104 of this Ordinance.

UU. SINGLE FAMILY CLUSTER DEVELOPMENT. Shall meet the provisions of

Article 12 and the Subdivision and Land Development Ordinance.

VV. SHOPPING CENTER, CONVENIENCE. Shall be a planned complex of two or more neighborhood commercial uses on a site of not less than two acres and not exceeding 5 acres.

WW. SOLID WASTE TRANSFER STATION, SOLID WASTE LANDFILL OR SOLID WASTE TO ENERGY PLANT. See "Landfill, Sanitary" and "Waste-to-Energy Plant" in this Section.

XX. STORAGE, OUTDOOR, OF MATERIALS. See Section 605.

YY. TREATMENT CENTER.

1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a special exception.
2. The applicant shall prove to the satisfaction of the Zoning Hearing Board that such use will involve adequate supervision and security measures to protect public safety.
3. The Zoning Hearing Board may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

ZZ. TRUCKING COMPANY TERMINAL.

1. Minimum lot area - 10 acres.
2. All tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a 50 foot wide buffer yard. This buffer yard shall meet the following conditions:
 - a. include evergreen screening meeting the provisions of Section 1106, except that an average of 1 such evergreen tree shall be planted for every 30 feet, instead of the evergreens being intended to form a solid visual screen. Such evergreens may be planted at irregular intervals and may be clustered.
 - b. meet the buffer yard provisions of Section 1106, except for provisions altered by this Section.
 - c. include the planting of deciduous shade trees, which shall meet the following requirements:
 - 1) an average of 1 such tree shall be planted for each 60 feet of length of the buffer yard, but the trees may be planted at irregular intervals and may be clustered.
 - 2) be in place of any street tree requirements of the Township Subdivision and Land Development Ordinance.
 - 3) be of types selected to be resistant to diesel exhaust.
 - 4) be planted on the exterior side of any required berm (or any wall or fence that might be permitted in place of such

berm), but shall not be on the top of the berm.

- 5) may be planted within the future street right-of-way.
3. Any entrance for trucks, loading/unloading area, outdoor storage or truck parking area shall be a minimum of 250 feet from any dwelling.
4. The use shall have its main access point(s) within 1 mile of a ramp of an expressway.
5. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.
6. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:
 - a. average a minimum of 5 feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.
 - b. not have one completely continuous height, but instead shall vary in height by 1 or 2 feet in places.
 - c. have a maximum side slope of 3 horizontal to 1 vertical.
 - d. be covered by a well-maintained all season natural ground cover, such as grass.

AAA. TWO-FAMILY DETACHED DWELLING. All requirements of the Township Subdivision and Land Development Ordinance and the applicable provisions of this Ordinance shall be met.

BBB. WAREHOUSE, WHOLESALE STORAGE OR DISTRIBUTION USE.

1. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of wholesale or distribution activity to be conducted.
2. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.

CCC. (SOLID) WASTE-TO-ENERGY FACILITY.

1. The site for waste-to-energy facility shall contain a minimum of 10 acres for any facility with a capacity to treat or dispose a maximum of up to 300 tons of waste per day. The size of a site shall be increased by one-half additional acre of land for each additional capacity of 100 tons per day or fraction thereof.
2. The site and facility shall comply with all applicable Federal and State rules, regulations and requirements and in all cases the most stringent requirements shall apply.
3. Only Agricultural Waste and Municipal Waste may be processed, treated or disposed of, as defined by State regulations.

4. Each facility shall be operated and maintained in such manner as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents or vectors, and to eliminate conditions which create safety hazards or public nuisances or which impose an undue burden upon the Township or its municipal services infrastructure.
5. Access to a facility shall be limited in the following manner:
 - a. Access to the site or facility shall be limited to normal operating hours and attendants shall be present at the site during all operating hours.
 - b. Gates or other suitable barriers shall be erected at all vehicular entrances or exits of the site to block access to the site or facility when it is not in operation.
 - c. Normal operating hours shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 6:00 a.m. to 12:00 Noon on Saturdays. Provided, however, that incinerators, because of their nature, shall not be limited in the hours that the burning process may be conducted.
 - d. Normal delivery hours shall be between 7:00 a.m. and 6:00 p.m., Monday to Friday, and between 7:00 a.m. and 12:00 Noon on Saturdays. No deliveries may be received at or shipped from the site outside the foregoing delivery times.
6. Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility.
7. The operation shall be so conducted as to prevent the dispersal or accumulation of any litter on or off the site.
8. The site and surrounding roads and property shall be policed on a regular basis to retrieve and remove any litter which has been deposited upon or escaped to nonactive areas of the site and/or surrounding roads or properties.
9. The operator of a facility shall take appropriate measures to guarantee that all waste materials shall remain within the vehicles delivering wastes to the facility for treatment or disposal and to promptly remove any such materials that may be dropped upon roads or neighboring properties.
10. The operator of a facility shall take appropriate measures to prevent the accumulation of mud, dirt or dust on roads leading to the site from vehicles travelling to or from the site and shall regularly and promptly remove any such mud, dirt or dust from said roads and their shoulders.
11. All loading and unloading shall be conducted within the confines of a building and all buildings shall be set back at least 100 feet from all street right-of-ways and exterior lot lines.
12. There shall be no storage of waste, temporarily or otherwise, outside of buildings.
13. The facility shall comply with the performance standards in this Ordinance (Article 11).

DDD. KEEPING OF PETS.

1. Residents of single family dwellings may have animals as pets, if the following criteria are met. The keeping of these pets shall not be a commercial business and must be the responsibility of a family member living on the property. The following regulations must be followed:
 - a. Location of shelters and/or housing of pets shall not be within a distance of 20 feet from a side yard property line, nor 50 feet of a rear yard property line, nor within 50 feet of any dwelling other than the owner's dwelling. No building used in such connection shall be maintained or established within such distance. All such buildings shall be located to the rear of the main structure or dwelling.
 - b. Shelters and/or Housing – All shelters and/or housing of animals shall be constructed of suitable materials providing protection for the animal. Sufficient ventilation and sunlight shall be provided to the structure. The structure shall have a roof and all materials shall be securely attached to the structural elements of the shelter or housing. Shelters or housing made of materials unsupported or unattached will not be permitted.
 - c. Animal runs and yards in which animals are kept, exercised, and trained shall be maintained in good condition. Ground areas shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The area shall be so graded to prevent accumulation of stormwater runoff.
 - d. For the purposes of this Ordinance, hooped animals, other than horses, shall not be considered as pets. For purposes of this Ordinance, any property owner desiring to keep a horse as a pet must have a minimum lot size of 2 acres. For each additional horse in excess of one, an additional 0.5 acre per horse shall be required. Any property containing 4 horses or more shall be considered a stable.
 - e. Any animals typically found in zoos or governed by the Pennsylvania Game Commission (i.e., lions, tigers, bobcats, bears, etc.) are not permitted.
 - f. Manure within 100 feet of an adjoining residence or well must be properly disposed of within 24 hours and not permitted to accumulate on the surface of the ground.
 - g. No more than 2 animals of any kind per acre of property may be housed outside of the principal dwelling unit and be considered as pets under this Ordinance.
 - h. A maximum combined total of 6 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their premises.
 - 1) Such limits shall only apply to dogs or cats over 6 months in age.
 - 2) Any greater number of dogs and/or cats shall need approval as a "kennel."

EEE. WIND TURBINES.

1. APPLICABILITY

- a. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.
- b. A Wind Energy Facility constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.
- c. There shall be a maximum of one device on a single parcel.

2. PERMIT REQUIREMENT

- a. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Bushkill Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.
- b. The permit application or amended permit application shall be accompanied by payment of a permit fee as set by the Board of Supervisors.
- c. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

3. PERMIT APPLICATION

- a. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.
- b. Among other things, the application shall contain the following:
 - 1) A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers; and description of ancillary facilities.
 - 2) An affidavit or similar evidence of agreement between the Property Owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the Property Owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
 - 3) Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 - 4) A Site Plan certified by a registered professional engineer showing the planned location of each Wind Turbine, property lines, setback lines, lot area, location of existing

natural and manmade features, location of the proposed Wind Turbine and any related structures, ownership information for adjoining properties, location of structures on adjoining properties, setback measurements from property and street lines, access road and turnout locations, substations, electrical cabling from the Wind Energy Facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

- 5) Documents related to decommissioning including a schedule for decommissioning.
- 6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Bushkill Township to ensure compliance with this Ordinance.

4. DESIGN AND INSTALLATION

- a. Design Safety. The design of the Wind Energy Facility shall conform and comply with all manufacturer's specifications and any and all applicable industry standards.
- b. Uniform Construction Code. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
- c. Height Limitation.
 - 1) The Hub Height shall not exceed 120 feet.
 - 2) The minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be 15 feet as measured at the lowest point of arc of the blades.
 - 3) Any structure that requires guide wires shall be prohibited.
- d. Controls and Brakes. All Wind Energy Facilities shall be equipped with a redundant braking system. This shall include both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- e. Electrical Components. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards. The facility shall have an output limit of 50 KW.
- f. Visual Appearance; Power Lines.
 - 1) Wind Turbines shall be a non-obtrusive color such as white, off white or gray.
 - 2) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - 3) Wind Turbines shall not display advertising, except for

reasonable identification of the turbine manufacturer, Facility Owner and Operator.

- 4) On-site transmission and power lines between Wind Turbines shall, to the extent practicable, be placed underground and in accordance with applicable IRC Codes.
- g. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- h. Climb Prevention/Locks.
 - 1) Wind Turbines shall not be climbable up to 15 feet above ground surface.
 - 2) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall not provide steps or a ladder readily accessible to the public for a minimum height of 8 feet above the ground surface. All Wind Energy Facilities and associated buildings shall be enclosed by a fence at least 6 feet in height which is located at least 5 feet from the base.

5. SETBACKS

- a. All Wind Turbines shall be set back from the nearest property line a distance of not less than the minimum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- b. All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base. In no event, however, shall a Wind Energy System be located within the front yard as designated by the Bushkill Township Zoning Ordinance.
- c. Any building constructed for storage cells or related mechanical equipment to a Wind Energy System shall not exceed 150 square feet in size, shall not exceed 12 feet in height, and shall not be located in any front yard or within the minimum required side or rear yard setbacks as provided for in the Bushkill Township Zoning Ordinance.

6. WAIVER OF SETBACKS. At the request of the Applicant, the Zoning Hearing Board may grant Variances from this Ordinance where it has been determined by the Zoning Hearing Board that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

7. LOCAL EMERGENCY SERVICES. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

8. NOISE AND SHADOW FLICKER

- a. Audible sound from a Wind Energy Facility shall not exceed 50

- dBA, as measured from the setback line (front, side or rear) of a contiguous neighboring property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precisions described in AWEA Standard 2.1 - 1989 titles Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
- b. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-Participating Landowner's property.
 - c. Noise and shadow flicker studies prepared by a certified professional shall be submitted to the Bushkill Township Zoning Officer prior to the issuance of a permit.
9. WAIVER OF NOISE AND SHADOW FLICKER PROVISIONS
- a. At the request of the Applicant, the Zoning Hearing Board may grant partial variances of the noise and shadow flicker requirements under Section 111.E of this Ordinance where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
 - b. The Applicant shall submit a signed notarized document from the property owner(s) that they are in agreement with the Applicant's request for a waiver of the noise and shadow flicker requirements under Section 111.E of this Ordinance. This document shall stipulate that the property owner(s) know(s) of the sound or flicker limits in this Ordinance, describes the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
 - c. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefitted and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
10. SIGNAL INTERFERENCE. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
11. DECOMMISSIONING
- a. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

- b. Decommissioning shall include removal of Wind Turbines, buildings, cabling and electrical components.
12. PUBLIC INQUIRIES AND COMPLAINTS. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact, and said information shall be placed directly on the Wind Turbine.

FFF. SOLAR ENERGY SYSTEMS. It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a residential accessory use while protecting health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a residential use herein and specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

1. A solar energy system is permitted in all zoning districts as an accessory to a residential use.
2. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. The installation and construction of a solar energy system shall be subject to the following development and design standards:
 - a. A solar energy system may be roof mounted or ground mounted.
 - b. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - c. A ground mounted system shall not exceed a height of 15 feet above the ground when oriented at maximum tilt.
 - d. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. Of the allowable lot coverage, the surface area of a ground mounted system shall not constitute more than 500 square feet.
 - e. A ground mounted system or system attached to an accessory building shall not be located within the minimum front yard setback.
 - f. The minimum solar energy system setback distance from the

property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.

- g. The number of solar panels and supporting equipment shall be considered as one solar energy system.
 - h. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - 1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees or other planted materials which provides a visual screen. In lieu of a planting screen, a decorative fence, meeting the requirements of this Ordinance, may be used.
 - 2) Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
 - 3) Mechanical equipment shall be setback at least 20 feet from rear and side property lines.
 - i. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
 - j. All transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
 - k. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The appropriate manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system provided they comply with the prevailing sign regulations.
 - l. A solar energy system shall not be constructed until a building permit and a zoning permit have been approved and issued.
 - m. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the Pennsylvania Uniform Construction Code (UCC). All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
5. The solar energy system shall comply with all applicable State and Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
6. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy

system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the solar energy system.

7. An applicant seeking more than one solar energy system per building lot, more than one solar energy system per structure, or solar energy system whose square footage is greater than 500 square feet shall apply for special exception approval from the Township Zoning Hearing Board.
8. An applicant seeking a solar energy system as a principal use (solar farm) shall apply to the Board of Supervisors for a Conditional Use.
9. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

GGG. GROUND WATER HEAT PUMPS.

1. DEFINITIONS - For purpose of this ordinance, the following definitions apply:
 - a. Aquifer - a water bearing stratum of permeable rock, sand, or gravel.
 - b. Closed loop system - systems which rely on the contained circulation of fluids through an underground pipe circuit.
 - c. Direct expansion (DX) - a system which circulates refrigerant in a closed underground loop.
 - d. Drilling - the creation of holes in the ground, deeper than they are wide, in excess of 20 feet below the surface of the ground, using drills, augers, shovels, picks, hydraulic means, etc.
 - e. Heat exchanger - a device, such as a radiator, used to transfer heat between one fluid (i.e., water or refrigerant) to another fluid, or between one fluid and the ground.
 - f. Mains system - the water distribution system of a public water supply.
 - g. Open loop - a geothermal heat pump system that withdraws water from a well or surface water supply, passes it through a heat exchanger, and discharges the water to a surface water body, storm or sanitary sewer system, or recharge well.
 - h. Public water system - a system for the provision of piped water for human consumption, if such system has at least 15 service connections or regularly services at least 25 individuals.
 - i. Refrigerant - the working fluid in a vapor-compression heat pump.
 - j. Slinky - a closed loop heat exchanger for horizontal installation, made of offset coils of geothermal-rated polyethylene or polybutylene pipe with heat-fused joints.
 - k. Standing well or turbulent well - a lined or unlined well used as a heat exchanger. Typically, water is withdrawn from the well bottom and returned to the top of the water column. The well may be used as a potable water source, with proper protection.
2. GENERAL PROVISIONS.
 - a. The contractors involved in installation of such systems shall comply with the following requirements:

- 1) The mechanical contractor shall be responsible for obtaining all local permits, shall serve as the lead contractor for the entire installation and shall be responsible for related subcontractors, and shall hold a current and valid HVAC Contractor license, and must have a current International Ground Source Heat Pump Association (IGSHPA) accreditation and passed all IGSHPA training courses and accreditation examination;
 - 2) The loop installation contractor must have a current IGSHPA accreditation and passed all IGSHPA training courses and accreditation examination and pipe fusion tests;
 - 3) Closed loop heat exchange well systems shall be installed by a licensed Pennsylvania well driller.
- b. Permitting.
- 1) No person, partnership, corporation or other entity shall, within the geographic boundary of Bushkill Township, install, construct, drill or excavate to facilitate the construction or installation of a ground source heat pump for use as a heating and/or cooling system for any residential, commercial or industrial structures without first obtaining a building permit.
 - 2) Building permit applicants shall demonstrate that specifications for the excavation, installation and operation of the ground source heat pump system conform to current standards of the International Ground Source Heat Pump Association (IGSHPA).
- c. Local geological conditions. In specific areas of Bushkill Township where, as determined by the Township Engineer, local geological conditions, including but not limited to karst, do not meet the requirements for installation and/or efficient operation of geothermal heat pump systems, the Township Engineer may prohibit the installation of one or more types of geothermal heat pump systems.
- d. Interconnection to municipal water supplies. No water source heat pump shall be interconnected to the public water system so as to return water to the distribution system of the public water supply, except as allowed by permit.
3. Installation of open loop systems shall be prohibited.
 4. Installation of closed loop water systems.
 - a. All pipes associated with ground source heat pump systems shall conform to specifications of the IGSHPA.
 - b. All pipes used in aqueous closed loop ground heat exchangers shall be high density polyethylene or polybutylene, meeting the requirements of the IGSHPA Closed Loop/Geothermal Heat Pump Systems Design and Installation Standards. All in-ground connections shall be heat fused.
 - c. Any fluids used in ground source heat pump systems shall conform

- to standards set by the IGSHPA.
- d. Fluids used in ground source heat pump systems shall include any food grade additive that is FDA approved coolant.
 - e. The use of methanol, ethylene glycol, or other toxic substances that could endanger the water supply are prohibited.
 - f. Antifreezes shall be certified by their manufacturers (or the heat pump manufacturers) as suitable for the intended use and FDA approved. All installations must be indentified with appropriate labels, and material safety data sheets must be provided to the owner. Antifreezes shall be corrosion-inhibited and biodegradable.
5. Installation of direct expansion (DX) systems.
- a. All in-ground copper heat exchanger installations shall be ACR grade or better, copper or equivalent.
 - b. In those instances where direct expansion in-ground tubing is installed at a depth greater than 20 feet below the surface of the ground, tubing shall be grouted, or contractor shall demonstrate that the installation provides equivalent protection to groundwater.
 - c. Prior to backfilling, in-ground joints shall be pressure tested to 500 p.s.i. for a minimum of 15 minutes, with no pressure loss. Should any buried portion fail, refrigeration shall be recaptured, and the loop shall be repaired or abandoned.
 - d. In soils with a pH level less than 5.0, all in-ground copper tubing shall be cathodically protected for a period not less than 50 years.
 - e. Except in those instances where the manufacturer demonstrates that the product contains an appropriate mechanism to prevent compressor lubricant from entering the ground loop, only nontoxic, nonhazardous and noncarcinogenic refrigeration oil may be utilized for compressor lubrication.
6. General installation considerations.
- a. All ground source horizontal heat exchanger installations shall comply fully with Bushkill Township ordinance requirements for site control and preventing soil runoff.
 - b. For vertical heat exchanger installations the Building Inspector or Bushkill Township Engineer shall designate appropriate soil runoff measures for the well drilling operations.
 - c. Persons contracted to drill holes associated with the installation of ground source heat pumps need not be specifically certified by the jurisdiction but must be a licensed Pennsylvania well driller.
 - d. Any regulations of this jurisdiction regarding the drilling of holes for the construction of potable water wells shall likewise apply to the drilling of holes for the installation of ground source water heat pump systems in excess of 20 feet below the surface of the ground. This includes requirements for a drilling report including a written geologic log, accurate grouting records, and a plan for operations and for well abandonment.
 - e. For all closed loop and DX systems, all materials and practices regarding the grouting of pipes that extend more than 20 feet below the surface of the ground shall conform to the guidelines of

the IGSHPA pertaining to closed loop systems.

- f. The Bushkill Township Engineer shall have the authority to approve alternatives which can be demonstrated to exceed the performance of materials recommended by the IGSHPA.
7. Provisions for the decommissioning of ground source heat pump systems. Whenever a ground source heat pump system is permanently removed from service, and the pipes are not removed from the ground, the outside loop pipes shall be filled with materials meeting specifications for grout.
8. Penalties. Any person, firm or corporation who shall construct, reconstruct, install, use and/or maintain any geothermal ground source heat pump in the Township without proper permits shall be guilty of a summary offense, and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, and in default of payment of such fine, shall be sentenced to a term of imprisonment not to exceed 90 days. Every day that a violation of this ordinance continues shall constitute a separate offense.

Appendix A
Permitted, Special Exception and Conditional Use Land Uses

Land Use	RC	RR	V	GC/I
<i>Agricultural uses</i>				
Crop farming	P	P	P	P
Animal husbandry	P	P	P	P
Farmstead and related accessory buildings	P	P	P	P
Forestry	P	P	P	P
Plant nursery/greenhouse	P	P	P	P
Riding stable	SE	SE	x	x
Kenel	SE	SE	x	x
<i>Residential uses</i>				
Single-family detached dwelling	P	P	P	x
Two-family dwelling	x	x	CU	x
Residential conversion	CU	CU	CU	CU
Single-family cluster development	CU	CU	x	x
Rooming or boarding house	SE	SE	x	x
Group home	P	P	P	P
Mobile/manufactured home for operating farm	SE	SE	x	x
Mobile/manufactured home	P	P	P	x
<i>Religious, educational, recreational and institutional uses</i>				
Place of worship	P	P	P	x
Cemetery	P	P	P	P
School	CU	CU	x	CU
Private commercial educational institution	x	x	P	P
Community center	x	x	P	P
Cultural facility	x	x	P	P
Commercial recreation	x	x	P	P
Private or semi-public outdoor recreation area	SE	SE	x	x
Campground	SE	SE	x	x
Membership club	SE	SE	CU	P
Golf course	SE	SE	x	x
Indoor theater	x	x	CU	P

- NOTES:**
1. This chart is for reference only and not regulation. In all cases the actual chapter sections will govern.
 2. P = Permitted use
 3. SE = Special exception use
 4. CU = Conditional use
 5. x = Use not permitted

Appendix A
Permitted, Special Exception and Conditional Use Land Uses

Land Use	RC	RR	V	GC/I
Adult day care center	x	x	x	CU
Nursery school/day care center	x	x	P	P
Nursing home	x	x	CU	CU
Hospital/hospice	x	x	CU	CU
Public facility owned or operated by Township	P	P	P	P
Public library	CU	CU	x	x
Treatment center	x	x	x	SE
<i>Office uses</i>				
Professional services	x	x	P	P
Medical/dental office or clinic	x	x	P	P
Medical and/or dental center	x	x	P	x
Business or administrative offices	x	x	P	P
Contractor office	x	x	x	P
<i>Retail and consumer uses</i>				
Retail store	x	x	P	x
Specialty shop or store	x	x	P	P
Personal service	x	x	P	P
Repair services	x	x	P	P
Financial institution	x	x	P	P
Restaurant	x	x	P	P
Fast food restaurant with or without drive-in service	x	x	CU	CU
Retail and wholesale activities	x	x	CU	CU
Self storage development	x	x	CU	P
Tavern	x	x	x	CU
Shopping center	x	x	x	CU
Variety store	x	x	x	P
Auction house	x	x	P	P
Auto/boat/recreation vehicle sales	x	x	x	CU
Auto repair garage	x	x	CU	CU
Auto service station	x	x	CU	CU
Flea market	x	x	x	P

NOTES:

1. This chart is for reference only and not regulation. In all cases the actual chapter sections will govern.
2. P = Permitted use
3. SE = Special exception use
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5. x = Use not permitted

Appendix A
Permitted, Special Exception and Conditional Use Land Uses

Land Use	RC	RR	V	GC/I
Car wash	x	x	x	P
Funeral home	x	x	P	P
Bed and breakfast	x	SE	SE	x
Hotel/motel	x	x	x	CU
Veterinarian office	x	SE	CU	CU
Animal hospital	x	SE	CU	CU
Adult uses	x	x	x	CU
<i>Public utilities and public service organizations</i>				
Emergency services	CU	CU	x	x
Essential services w/o buildings	P	P	P	P
Essential services w/ buildings	CU	CU	CU	CU
Solid waste transfer station or sanitary landfill	x	x	x	CU
Solid waste to energy facility	x	x	x	CU
Transportation terminal	x	x	CU	CU
Commercial communications tower or antenna	x	CU	CU	CU
Airport	x	x	x	CU
Heliport	CU	CU	CU	CU
<i>Industrial uses</i>				
Commercial laundry	x	x	x	P
Manufacturing	x	x	x	P
Manufacturing of paper products	x	x	x	P
Junkyard	x	x	x	CU
Excavating contractor	x	x	x	P
Bottling, packing or packaging establishment	x	x	x	P
Motor freight terminal	x	x	x	CU
Planned industrial, office or research park	x	x	x	CU
Processing of food products	x	x	x	P
Processing and packaging	x	x	x	P
Publishing, printing, lithographing, bookbinding or similar establishment	x	x	x	P
Research, engineering or testing laboratories	x	x	x	P
Warehousing	x	x	x	P

NOTES:

1. This chart is for reference only and not regulation. In all cases the actual chapter sections will govern.
2. P = Permitted use
3. SE = Special exception use
4. CU = Conditional use
5. x = Use not permitted

Accessory Land Uses

Land Use	RC	RR	V	GC/I
Amateur radio antenna	P	P	x	x
Animal husbandry	P	P	P	P
Storage of crude oil in underground tanks	x	x	P	P
Commercial communications tower or antenna	SE	x	x	x
Outdoor storage areas	x	x	P	P
Farm roadside sales/stand	P	P	P	P
Fences and walls	x	x	P	P
Garage/yard sales	P	P	x	x
Home occupation	SE	SE	P	P
Off-street parking and loading areas	x	x	P	P
Keeping of pets	P	P	x	x
Household swimming pool	P	P	x	x
No-impact home based business	P	P	P	P
Raising of carrier pigeons	P	P	x	x
Recreation vehicle	P	P	x	x
Residential accessory building	P	P	P	P
Riding stable	P	P	x	x
Signs	P	P	P	P
Solar energy system	P	P	P	P
Temporary building, structure or use	P	P	P	P
Wind energy facility	P	P	P	P
Ground Water Heat Pumps	P	P	P	P
Keeping of livestock	P	P	P	P
In-law suites	P	P	P	P

NOTES:

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2. P = Permitted use
3. SE = Special exception use
4. CU = Conditional use
5. x = Use not permitted

Appendix B Hydric Soils of Northampton County (NRCS, 2007)

area symbol	area name	mapunit sequence	mapunit symbol	mapunit name	component name and phase	percent composition	landforms	hydric rating	hydric criteria
PA095	Northampton County, Pennsylvania	0	AfA	Allenwood silt loam, 0 to 3 percent slopes	Brinkerton	1		Yes	2B3
PA095	Northampton County, Pennsylvania	1	AfB	Allenwood silt loam, 3 to 8 percent slopes	Brinkerton	1		Yes	2B3
PA095	Northampton County, Pennsylvania	3	AnA	Andover-Buchanan gravelly loams, 0 to 3 percent slopes	Andover	55	Valley	Yes	2B3
PA095	Northampton County, Pennsylvania	4	AnB	Andover-Buchanan gravelly loams, 3 to 8 percent slopes	Andover	55	Valley	Yes	2B3
PA095	Northampton County, Pennsylvania	5	AOB	Andover-Buchanan gravelly loams, 0 to 8 percent slopes, extremely stony	Andover	55	Valley	Yes	2B3
PA095	Northampton County, Pennsylvania	12	BfA	Bedington-Berks complex, 0 to 3 percent slopes	Brinkerton	2		Yes	2B3
PA095	Northampton County, Pennsylvania	12	BfA	Bedington-Berks complex, 0 to 3 percent slopes	Alluvial soils, wet	1		Yes	2B2, 3, 4
PA095	Northampton County, Pennsylvania	13	BfB	Bedington-Berks complex, 3 to 8 percent slopes	Brinkerton	3		Yes	2B3
PA095	Northampton County, Pennsylvania	14	BfC	Bedington-Berks complex, 8 to 15 percent slopes	Brinkerton	3		Yes	2B3
PA095	Northampton County, Pennsylvania	17	BkB	Berks-Weikert complex, 3 to 8 percent slopes	Brinkerton	3		Yes	2B3
PA095	Northampton County, Pennsylvania	18	BkC	Berks-Weikert complex, 8 to 15 percent slopes	Brinkerton	3		Yes	2B3
PA095	Northampton County, Pennsylvania	19	BkD	Berks-Weikert complex, 15 to 25 percent slopes	Brinkerton	3		Yes	2B3
PA095	Northampton County, Pennsylvania	20	BkF	Berks-Weikert complex, 25 to 60 percent slopes	Brinkerton	2		Yes	2B3
PA095	Northampton County, Pennsylvania	21	BfA	Brinkerton-Comly silt loams, 0 to 3 percent slopes	Brinkerton	75	Hill	Yes	2B3
PA095	Northampton County, Pennsylvania	22	BfB	Brinkerton-Comly silt loams, 3 to 8 percent slopes	Brinkerton	75	Hill	Yes	2B3

Appendix B

Hydric Soils of Northampton County (NRCS, 2007)

PA095	Northampton County, Pennsylvania	23	BuB	Buchanan gravelly loam, 3 to 8 percent slopes	Andover	5	Yes	2B3
PA095	Northampton County, Pennsylvania	24	BvB	Buchanan gravelly loam, 0 to 8 percent slopes, extremely stony	Andover	5	Yes	2B3
PA095	Northampton County, Pennsylvania	28	CmA	Clarksburg silt loam, 0 to 3 percent slopes	Thorndale	5	Depression	2B3
PA095	Northampton County, Pennsylvania	29	CmB	Clarksburg silt loam, 3 to 8 percent slopes	Thorndale	5	Depression	2B3
PA095	Northampton County, Pennsylvania	30	CpA	Comly silt loam, 0 to 3 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	31	CpB	Comly silt loam, 3 to 8 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	38	DaA	Delaware loam, 0 to 3 percent slopes	Haiboro	1	Yes	2B3
PA095	Northampton County, Pennsylvania	38	DaA	Delaware loam, 0 to 3 percent slopes	Nanticoke	1	Yes	2B3, 3
PA095	Northampton County, Pennsylvania	39	DaB	Delaware loam, 3 to 8 percent slopes	Haiboro	2	Yes	2B3
PA095	Northampton County, Pennsylvania	39	DaB	Delaware loam, 3 to 8 percent slopes	Nanticoke	1	Yes	2B3, 3
PA095	Northampton County, Pennsylvania	40	DbA	Duffield silt loam, 0 to 3 percent slopes	Thorndale	2	Depression	2B3
PA095	Northampton County, Pennsylvania	41	DbB	Duffield silt loam, 3 to 8 percent slopes	Thorndale	2	Depression	2B3
PA095	Northampton County, Pennsylvania	42	FI	Fluvaquents	Fluvaquents	85	Flood plain	2B3
PA095	Northampton County, Pennsylvania	42	FI	Fluvaquents	Nanticoke	1	Yes	2B3, 3
PA095	Northampton County, Pennsylvania	42	FI	Fluvaquents	Towhee	5	Yes	2B3
PA095	Northampton County, Pennsylvania	43	Gc	Gibraltar silt loam	Holly	5	Valley floor	2B3
PA095	Northampton County, Pennsylvania	44	GIB	Gladstone gravelly silt loam, 3 to 8 percent slopes	Towhee	3	Depression	2B3
PA095	Northampton County, Pennsylvania	45	GIC	Gladstone gravelly silt loam, 8 to 15 percent slopes	Towhee	5	Depression	2B3
PA095	Northampton County, Pennsylvania	46	GID	Gladstone gravelly silt loam, 15 to 25 percent slopes	Towhee	5	Depression	2B3
PA095	Northampton County, Pennsylvania	47	GmB	Gladstone gravelly silt loam, 0 to 8 percent slopes, very bouldery	Towhee	5	Depression	2B3

Appendix B Hydric Soils of Northampton County (NRCS, 2007)

PA095	Northampton County, Pennsylvania	48	GmD	Gladstone gravelly silt loam, 8 to 25 percent slopes, very bouldery	Towhee	5	Depression	Yes	2B3
PA095	Northampton County, Pennsylvania	49	GmF	Gladstone gravelly silt loam, 25 to 60 percent slopes, very bouldery	Towhee	5	Depression	Yes	2B3
PA095	Northampton County, Pennsylvania	50	GrB	Glenville silt loam, 3 to 8 percent slopes	Towhee	5	Depression	Yes	2B3
PA095	Northampton County, Pennsylvania	52	Hb	Halsey silt loam	Carlisle muck	4		Yes	2B3
PA095	Northampton County, Pennsylvania	57	Ho	Holly silt loam	Holly	90	Valley floor	Yes	2B3, 4
PA095	Northampton County, Pennsylvania	57	Ho	Holly silt loam	Brinkerton	2		Yes	2B3
PA095	Northampton County, Pennsylvania	59	LaB	Laidig gravelly loam, 3 to 8 percent slopes	Andover	4		Yes	2B3
PA095	Northampton County, Pennsylvania	60	LbB	Laidig very gravelly loam, 0 to 8 percent slopes, extremely stony	Andover	4		Yes	2B3
PA095	Northampton County, Pennsylvania	61	LbD	Laidig very gravelly loam, 8 to 25 percent slopes, extremely stony	Andover	4		Yes	2B3
PA095	Northampton County, Pennsylvania	62	LbF	Laidig very gravelly loam, 25 to 65 percent slopes, extremely stony	Andover	5		Yes	2B3
PA095	Northampton County, Pennsylvania	65	LdF	Laidig-Rubble land complex, 25 to 60 percent slopes	Andover	5		Yes	2B3
PA095	Northampton County, Pennsylvania	66	Md	Carlisle muck	Carlisle	100		Yes	1, 3
PA095	Northampton County, Pennsylvania	67	Me	Middlebury silt loam	Holly	3	Valley floor	Yes	2B3, 4
PA095	Northampton County, Pennsylvania	69	MgB	Monongahela silt loam, 3 to 8 percent slopes	Lamington	5		Yes	
PA095	Northampton County, Pennsylvania	76	PpB	Phelps gravelly silt loam, thick solum variant, 2 to 8 percent slopes	Halsey	4		Yes	2B3
PA095	Northampton County, Pennsylvania	78	ReB	Readington silt loam, 3 to 8 percent slopes	Croton	4		Yes	2B3
PA095	Northampton County, Pennsylvania	79	Rn	Red Hook gravelly silt loam	Chippewa	5		Yes	2B3
PA095	Northampton County, Pennsylvania	86	SvB	Swartswood gravelly loam, 3 to 8 percent slopes	Chippewa	3		Yes	2B3
PA095	Northampton County, Pennsylvania	87	SvC	Swartswood gravelly loam, 8 to 15 percent slopes	Chippewa	3		Yes	2B3
PA095	Northampton County, Pennsylvania	88	SvD	Swartswood gravelly loam, 15 to 25 percent slopes	Chippewa	2		Yes	2B3

Appendix B

Hydric Soils of Northampton County (NRCS, 2007)

PA095	Northampton County, Pennsylvania	89	SwB	Swartswood and Wurtsboro soils, 0 to 8 percent slopes, extremely stony	Chippewa	3	Yes	2B3
PA095	Northampton County, Pennsylvania	90	SwD	Swartswood and Wurtsboro soils, 8 to 25 percent slopes, extremely stony	Chippewa	3	Yes	2B3
PA095	Northampton County, Pennsylvania	91	ToB	Towhee silt loam, 3 to 8 percent slopes	Towhee	90	Depression	2B3
PA095	Northampton County, Pennsylvania	92	TpB	Towhee-Glenville silt loams, 0 to 8 percent slopes, extremely stony	Towhee, extremely stony	55	Depression	2B3
PA095	Northampton County, Pennsylvania	92	TpB	Towhee-Glenville silt loams, 0 to 8 percent slopes, extremely stony	Towhee	1	Yes	2B3
PA095	Northampton County, Pennsylvania	94	UeB	Udorthents, sanitary landfill	Naticoke	1	Yes	2B3, 3
PA095	Northampton County, Pennsylvania	94	UeB	Udorthents, sanitary landfill	Othello	1	Yes	2B3
PA095	Northampton County, Pennsylvania	97	UIB	Urban land-Berks complex, 0 to 8 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	98	UID	Urban land-Berks complex, 8 to 25 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	99	UnB	Urban land-Duffield complex, 0 to 8 percent slopes	Thorndale	2	Depression	2B3
PA095	Northampton County, Pennsylvania	100	UnD	Urban land-Duffield complex, 8 to 25 percent slopes	Thorndale	2	Depression	2B3
PA095	Northampton County, Pennsylvania	101	UoB	Urban land-Gladstone complex, 0 to 8 percent slopes	Towhee	5	Depression	2B3
PA095	Northampton County, Pennsylvania	102	UoD	Urban land-Gladstone complex, 8 to 25 percent slopes	Towhee	5	Depression	2B3
PA095	Northampton County, Pennsylvania	103	UsB	Urban land-Laidig complex, 0 to 8 percent slopes	Andover	5	Yes	2B3
PA095	Northampton County, Pennsylvania	104	UsD	Urban land-Laidig complex, 8 to 25 percent slopes	Andover	5	Yes	2B3
PA095	Northampton County, Pennsylvania	108	Waa	Washington silt loam, 0 to 3 percent slopes	Thorndale	1	Yes	2B3
PA095	Northampton County, Pennsylvania	109	Wab	Washington silt loam, 3 to 8 percent slopes	Thorndale	1	Yes	2B3
PA095	Northampton County, Pennsylvania	111	Wad	Washington silt loam, 15 to 25 percent slopes	Thorndale	1	Yes	2B3

Appendix B

Hydric Soils of Northampton County (NRCS, 2007)

PA095	Northampton County, Pennsylvania	112	WeB	Weikert-Berks complex, 3 to 8 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	114	WeD	Weikert-Berks complex, 15 to 25 percent slopes	Brinkerton	5	Yes	2B3
PA095	Northampton County, Pennsylvania	115	WuB	Wurtsboro gravelly silt loam, 3 to 8 percent slopes	Chippewa	2	Yes	2B3
PA095	Northampton County, Pennsylvania	115	WuB	Wurtsboro gravelly silt loam, 3 to 8 percent slopes	Halsey	2	Yes	2B3
PA095	Northampton County, Pennsylvania	116	WuC	Wurtsboro gravelly silt loam, 8 to 15 percent slopes	Chippewa	2	Yes	2B3
PA095	Northampton County, Pennsylvania	116	WuC	Wurtsboro gravelly silt loam, 8 to 15 percent slopes	Halsey	2	Yes	2B3

APPENDIX C - WETLAND PLANT LIST

The following plant list represents a sampling of common wetland species found in Pennsylvania. These species are reliable indicators of wetlands when found dominating a site (e.g., comprising more than 50% of the vegetation). This list was derived from a larger list of wetland plants compiled by the U.S. Fish and Wildlife Service.

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Acer negundo</i> L.	Box Elder
<i>Acer saccharinum</i> L.	Silver Maple
<i>Acorus calamus</i> L.	Sweetflag
<i>Agrostis alba</i> L.	Redtop Subcordate
<i>Alisma subcordatum</i> Raf.	Waterplantain
<i>Alnus serrulata</i> (Ait.) Willd.	Hazel Alder
<i>Amaranthus cannabinus</i> (L.) Sauer	Tidemarsch Waterhemp
<i>Amorpha fruticosa</i> L.	Dull-Leaf Indigo
<i>Andropogon gerardii</i> Vitman	Big Bluestem
<i>Andropogon glomeratus</i> (Walt.) B.S.P.	Bushybeard Bluestem
<i>Andropogon virginicus</i> L.	Broomsedge Bluestem
<i>Arisaema triphyllum</i> (L.) Schott	Indian Jack-in-the-Pulpit
<i>Aronia arbutifolia</i> (L.) Ell.	Red Chokeberry
<i>Aronia melanocarpa</i> (Michx.) Ell	Black Chokeberry
<i>Asclepias incarnata</i> L.	Swamp Milkweed
<i>Aster umbellatus</i> Mill.	Flattop Aster
<i>Betula nigra</i> L.	River Birch
<i>Bidens</i> (all species)	Beggarticks
<i>Boehmeria cylindrica</i> (L.) SW.	Smallspike False-Nettle
<i>Calamagrostis canadensis</i> (Michx.) Beauv.	Bluejoint Reedgrass
<i>Calamagrostis cinnoides</i> (Muhl.) Barton	Hairyseed Reedgrass
<i>Caltha palustris</i> L.	Marsh Marigold
<i>Cardamine bulbosa</i> (Schreb.) B.S.P.	Bulb Bittercress
<i>Cardamine pensylvanica</i> Muhl. ex Willd.	Pennsylvania Bittercress
<i>Carex</i> (all species)	Sedge
<i>Cephalanthus occidentalis</i> L.	Common Buttonbush
<i>Chelone glabra</i> L.	White Turtlehead
<i>Chrysosplenium americanum</i> Schweinitz	Golden Saxifrage

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Cicuta bulbifera</i> L.	Poison Waterhemlock
<i>Cicuta maculata</i> L.	Common Waterhemlock
<i>Cinna arundinacea</i> L.	Stout Woodreed
<i>Clethra alnifolia</i> L.	Summersweet Clethra
<i>Conium maculatum</i> L.	Poison Hemlock
<i>Cornus amomum</i> Mill.	Silky Dogwood
<i>Cyperus</i> (all species)	Flatsedge
<i>Decodon verticillatus</i> (L.) Ell.	Water Willow
<i>Dulichium arundinaceum</i> (L.) Britt.	Three-Way-Sedge
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter Millet
<i>Eleocharis</i> (all species)	Spikerush
<i>Epilobium coloratum</i> Biehler	Purpleleaf Willowweed
<i>Equisetum fluviatile</i> L.	Water Horsetail
<i>Equisetum hyemale</i> L.	Scouringrush Horsetail
<i>Eragrostis hypnoides</i> (Lam.) B.S.P.	Teal Lovegrass
<i>Eragrostis pectinacea</i> (Michx.) Nees	Carolina Lovegrass
<i>Eupatoriadelphus dubius</i> (all species)	Joe-Pye Weed
<i>Eupatorium perfoliatum</i> L.	Boneset
<i>Eupatorium pilosum</i> Walter	Hairy Thoroughwort
<i>Euthamia graminifolia</i> (L.) Nutt.	Grass-Leaved Goldenrod
<i>Fraxinus nigra</i> Marshall	Black Ash
<i>Fraxinus pennsylvanica</i> Marshall	Green Ash
<i>Galium obtusum</i> Bigel.	Bluntleaf Bedstraw
<i>Galium parisiense</i> L.	Wall Bedstraw
<i>Galium tinctorium</i> L.	Dye Bedstraw
<i>Glyceria</i> (all species)	Mannagrass
<i>Helenium autumnale</i> L.	Common Sneezeweed
<i>Heteranthera reniformis</i> R. & P.	Roundleaf Mudplantain
<i>Hibiscus mosocheutos</i> L.	Rose Mallow
<i>Hydrophyllum virginianum</i> L.	Virginia Waterleaf
<i>Hypericum mutilum</i> L.	Dwarf St. Johnswort
<i>Ilex verticillata</i> (L.) A. Gray	Winterberry
<i>Impatiens capensis</i> Meerb.	Spotted Touch-Me-Not
<i>Impatiens pallida</i> Nutt.	Pale Touch-Me-Not

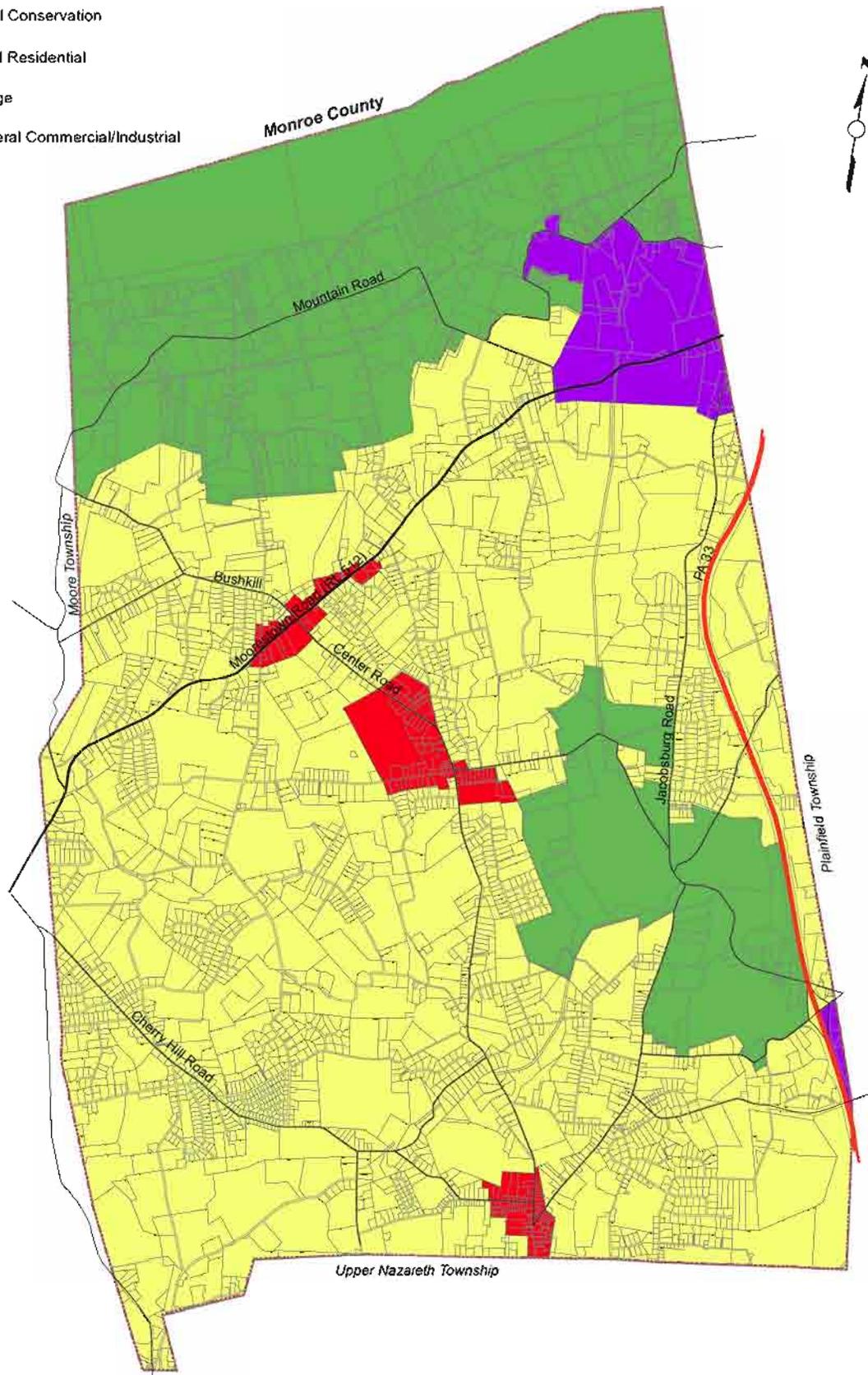
<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
Iris pseudacorus L.	Yellow Iris
Iris versicolor L.	Blueflag Iris
Juncus (all species)	Rush
Laportea canadensis (L.) Wedd.	Canada Woodnettle
Leersia oryzoides (L.) Swartz	Rice Cutgrass
Leersia virginica Wild.	Whitegrass
Leucothoe racemosa (L.) Gray	Swamp Leucothoe
Lindera benzoin (L.) Blume	Spicebush
Liquidambar styraciflua L.	Sweetgum
Ludwigia-(all species)	Seed-Box
Lycopus (all species)	Bugleweed
Lyonia ligustrina (L.) DC.	Male-Berry
Lysimachia (all species)	Loosestrife
Lythrum salicaria L.	Purple Loosestrife
Magnolia virginiana L.	Sweetbay
Mentha X piperita L.	Peppermint
Mertensia virginica (L.) Pers.	Virginia Bluebells
Mimulus ringens L.	Monkey-Flower
Myosotis scorpioides L.	True Forget-Me-Not
Nasturtium officinale R. Br.	Watercress
Nupharluteum (L.) Sibth. & J. E. Smith	European Cowlily
Onoclea sensibilis L.	Sensitive Fern
Osmunda (all species)	Fern
Panicum longifolium Torr.	Long-Leaved Panic-Grass
Panicum rigidulum Bosc. ex Nees.	Redtop Panicum
Peltandra virginica (L.) Kunth.	Arrow-Arum
Phalaris arundinacea L.	Reed Canarygrass
Phragmites australis (Cav.) Trin. ex Steud.	Giant Cane
Polygonum amphibium L.	Water Knotweed
Polygonum arifolium L.	Halberdleaf Tearthumb
Polygonum hydropiper L.	Marshpepper Knotweed
Polygonum hydropiperoides Michx.	Swamp Knotweed
Polygonum pennsylvanicum L.	Pennsylvania Smartweed
Polygonum punctatum Ell.	Dotted Smartweed

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Polygonum sagittatum</i> L.	Arrow-Leaved Tearthumb
<i>Polygonum scandens</i> L.	Hedge Combind
<i>Pontederia cordata</i> L.	Pickerelweed
<i>Quercus bicolor</i> Willd.	Swamp White Oak
<i>Quercus palustris</i> Muench	Pin Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Ranunculus sceleratus</i> L.	Celeryleaf Buttercup
<i>Ranunculus septentrionalis</i> Poir	Swamp Buttercup
<i>Rhododendron viscosum</i> (L.) Torr.	Swamp Azalea
<i>Rhynchospora capitellata</i> (Michx.) Vahl	False Bog Rush
<i>Rorippa palustris</i> (L.) Besser	Marsh Yellowgrass
<i>Rorippa sylvestris</i> (L.) Besser	Creeping Yellowgrass
<i>Rosa palustris</i> Marshall	Swamp Rose
<i>Sagittaria</i> (all species)	Arrowhead
<i>Salix</i> (all species)	Willow
<i>Saururus cernuus</i> L.	Lizard's Tail
<i>Scirpus</i> (all species)	Bulrush
<i>Scutellaria integrifolia</i> L.	Rough Skullcap
<i>Scutellaria lateriflora</i> L.	Blue Skullcap
<i>Sium suave</i> Walt.	Common Waterparsnip
<i>Smilax hispida</i> Muhl.	Bristly Greenbriar
<i>Sparganium</i> (all species)	Burreed
<i>Spiraea latifolia</i> (Ait.) Borkh.	Broadleaf Meadowsweet
<i>Spiraea tomentosa</i> L.	Hardhack
<i>Symplocarpus foetidus</i> (L.) Nutt.	Common Skunkcabbage
<i>Thelypteris thelypteroides</i> (Michx.) J. Holub	Marsh Fern
<i>Triadenum virginicum</i> (L.) Raf.	Marsh St. Johnswort
<i>Typha angustifolia</i> L.	Narrow-Leaved Cattail
<i>Typha latifolia</i> L.	Common Cattail
<i>Ulmus americana</i> L.	American Elm
<i>Ulmus rubra</i> Muhl.	Slippery Elm
<i>Vaccinium corymbosum</i> L.	Highbush Blueberry
<i>Vaccinium macrocarpon</i> Ait.	Large Cranberry

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
Verbena hastata L.	Blue Verbena
Viburnum dentatum L.	Arrow-Wood
Viburnum recognitum Fernald	Arrow-Wood
Woodwardia areolata (L.) T. Moore	Netted Chainfern
Zizania aquatica L.	Annual Wildrice

Proposed Zoning Districts

- Rural Conservation
- Rural Residential
- Village
- General Commercial/Industrial



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CONSULTING ENGINEERS
www.bjengineers.com

Date: October 27, 2008
Last Revised: March 3, 2011
March 7, 2011
Project # 082502

0 3,000 6,000 Feet

1 inch equals 3,000 feet

Base map data: Lehigh Valley Planning Commission

Adopted July 19, 2012

Zoning Map Bushkill Township