TOWNSHIP OF BUSHKILL
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026- 1

AN ORDINANCE

AMENDING THE BUSHKILL TOWNSHIP ZONING ORDINANCE OF 2012 AMENDING, REPLACING, AND REPEALING PROVISIONS THEREOF REGULATING THE FOLLOWING: DEFINITIONS AMENDED TO ADD CRYPTOCURRENCY MINING FACILITY, DATA CENTER, DATA CENTER ACCESSORY USE, AND SOLAR ENERGY FACILITY; AMENDING THE GENERAL COMMERCIAL/INDUSTRIAL DISTRICT TO ADD THE USES OF SOLAR ENERGY FACILITY, DATA CENTERS AND DATA CENTER ACCESSORY USES, AND ALL LAWFUL USES NOT OTHERWISE PERMITTED; PROVIDING ADDITIONAL REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES AS SPECIAL EXCEPTIONS IN THE GENERAL COMMERCIAL/INDUSTRIAL ZONING DISTRICT; PROVIDING FOR OFF-STREET PARKING AND LOADING FOR DATA CENTERS; PROVIDING ADDITIONAL REQUIREMENTS FOR MEMBERSHIP CLUBS; AMENDING THE DEFINITION OF SOLAR ENERGY SYSTEM; AMENDING AND PROVIDING FOR ADDITIONAL REQUIREMENTS FOR ALL LAWFUL USES NOT OTHERWISE PERMITTED AND SOLAR ENERGY FACILITY AS A PRINCIPAL USE; SEVERABILITY; REPEALER; AND, ENACTMENT.

WHEREAS, the Bushkill Township Board of Supervisors adopted the Zoning Ordinance of Bushkill Township on July 19, 2012, as amended; and

WHEREAS, the Zoning Ordinance provides for regulations that promote the health, safety, and welfare of the residents of Bushkill Township; and

WHEREAS, the Bushkill Township Board of Supervisors has determined it to be in the best interest of the health, safety, and welfare of the residents of Bushkill Township to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Bushkill Township, Northampton County, Pennsylvania, and it is hereby enacted and ordained

by authority of the same, pursuant to the provisions of Act 247 of 1968 (P.L. 805), as amended, the following amendments to the Bushkill Township Zoning Ordinance of 2012:

SECTION 1. The Bushkill Township Zoning Ordinance, Article 2, Definitions, Section 201 shall be amended to add the following terms:

Cryptocurrency Mining Facility – Specialized data centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency.

Data Center - A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining facility, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use - Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Solar Energy Facility (principal use). A large-scale solar electric generating facility, whose main purpose is to generate and supply electricity and consists of one or more solar energy systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. These facilities shall not include Solar Energy Systems as an accessory to residential or commercial use.

SECTION 2. The Bushkill Township Zoning Ordinance, Article 7, General Commercial/ Industrial District, Section 704 shall be amended to add the following uses:

AA. All lawful uses not otherwise permitted

BB. Solar energy facility (principal use)

CC. Data Centers and Data Center Accessory Uses.

SECTION 3. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602 shall be amended to add the following:

JJJ. Data Centers and Data Center Accessory Uses. Such use shall be permitted by special exception in the GC/I Zoning District and shall comply with the following:

1. Minimum lot area: 10 acres.

2. The site shall have direct access to an arterial street. An adequate second means of ingress and egress suitable for emergency access to the site shall be provided.

3. The maximum building height for a Data Center shall be 60 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers. The maximum height of Data Center Accessory Uses shall be no greater than the height of the principal building.

4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer is also required along the frontage of all streets. Buffer yards shall comply with the following provisions:

   a. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen species to prevent a monoculture planting. Trees used for screen buffers shall be comprised of 100% evergreen species.

   b. Evergreen trees used in the screen planting shall be at least eight (8) feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within five years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.

   c. The following note shall be placed on the special exception plans and on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner."

   d. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of the trees, shrubs and plantings. Such guarantee shall be

released only after passage of the second growing season following planting.

e. The buffer yard may overlap the required side, front and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.

f. All plantings shall conform to the standards of the Township's list of acceptable plant species. Refer to the Bushkill Township Subdivision and Land Development Ordinance Section 1022, Recommended Plant List.

5. Noise and vibration. Data Centers and Data Center Accessory Uses shall comply with the Bushkill Township Noise Ordinance and Section 1101 of this Chapter.

6. Evidence of adequate water and sewage disposal service shall be provided to the Township with the special exception application.

a. Public water/sewer supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system, the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the special exception use application.

b. On-lot water supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the special exception application, submit written evidence that they have complied with all Township and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

i. A water resources impact study shall be required for all data storage center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period. The water resources impact study shall be conducted in accordance with the following:

[1] Purpose. These regulations are to ensure that expansion of production from existing wells or development of new wells for data center development in the Township are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.

[2] Pumping Test and Water Quality Analysis. All elements of the pumping test well and water quality analysis shall be completed prior to submission of the water resource impact study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the water resource impact study.

[3] Professional Preparation. The water resource impact study shall be prepared by a professional geologist and/or professional engineer, licensed in the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.

[4] Certification. The water resource impact study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed special exception use application:

[a] Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references:

[i] The adequacy of nonresidential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For nonresidential facilities other than those found in Table IV-1.2, the adequacy of nonresidential supplies shall be based upon the flow assumptions published in 25 Pa. Code Chapter 73, Standards for Sewage Disposal Facilities, § 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the adequacy of nonresidential supplies by submitting copies of water and/or sewer bills for the similar facilities.

[ii] Guide for Determination of Required Fire Flow by the Insurance Services Office (ISO), as amended.

[iii] Standards and Manuals for the American Water Works Association, as amended.

[iv] In addition to the above, the projected water demand shall include any additional flow required to comply

with National Fire Protection Association specifications for sprinkler systems.

[b] A topographic and geologic map of the area within a one-mile radius of the site.

[c] Regional Map Information. The following information shall be provided on a regional topographic map for the area within a 0.5-mile radius of all proposed wells. If any existing wells withdrawing over 10,000 gpd are located within one mile of the site, the mapping radius shall be extended to one mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey.

[i] The location of all existing and proposed wells, including the test well(s) and monitoring wells.

[ii] The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges.

[iii] The location of facilities storing or handling residual or hazardous wastes and substances or petroleum products.

[iv] The location of all perennial and intermittent watercourses.

[d] A site plan shall be provided showing existing and proposed lot lines. The following features shall be presented on an up-to-date plan for the site and area within 300 feet beyond the site perimeter.

[i] Flagged wetland boundaries.

[ii] All springs, seeps and ephemeral pools.

[iii] All watercourses with a statement as to whether they are perennial or intermittent.

[iv] Existing and proposed wells.

[v] Existing and proposed septic systems.

[vi] Test well(s) and monitoring wells.

[vii] Topography.

[viii] Piezometer wells, if applicable.

[e] Pumping Test Wells. The test well shall be the supply well(s) anticipated for use by the facility. A backup well is highly recommended and should be tested on a separate week than the primary well.

[f] Monitoring Wells.

[i] At least six monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than 500 feet from the test well. If such a well is not available, a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final report.

[ii] The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed 18 months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this chapter.

[iii] Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one week prior to the pumping of the test well, the monitoring wells shall be measured on at least four separate days. During the pumping test, monitoring wells shall be measured at no less than two-hour intervals during daylight periods. It is highly recommended that either nighttime measurements

be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the test results. At least four days of post well water level measurements shall be recorded over a period of a week.

[iv] Ground elevation adjacent to the well(s) in addition to the static water level shall be based on USGS vertical datum.

[g] Testing Locations and Details. Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plane Coordinates for the monitoring and test well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

[h] Geologic Log. An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every 20 feet during drilling, or at each change in rock type, whichever occurs first.

[i] Pumping Tests. Forty-eight-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than 150% of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one week prior to start of pumping and one week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the

data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least 95% recovery of draw down is observed in the test well, or until 48 hours after termination of pumping, whichever is first.

[j] Pumping Rate. The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five (+/- 5%) during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

[k] Pumping Test Discharge. The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least 100 feet distant.

[l] Required Data. The report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

[m] Water Quality. Water quality samples shall be obtained from the test well at both the commencement and termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

[i] All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the

commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

[ii] Water quality testing shall include, at a minimum, the following parameters: total and fecal coliform, nitrate/nitrite, pH, iron, manganese, sulfate, lead, chloride, hardness, turbidity, odor, total dissolved solids, surfactants (detergents), volatile organic compounds - Group 1 (VOC1) + 10 unknowns, mtbe, herbicides - Group 1 (HI) and pesticides - Group 3 (P3). A library search for tentatively identified compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc., refers to PA DEP categories of contaminants.

[iii] The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well(s) and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.

[iv] A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in the report.

[v] The laboratory report shall be included and shall contain the name, license number and address of the state drinking water certified laboratory.

[n] Aquifer Capacity. Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-

half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

[o] Hydrologic Budget. A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one-in-ten-year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made, if on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of 90% return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.

[p] On-Lot Sewage System Effects. A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP mass balance policy guidelines which include average year recharge from the development site alone, less impervious surface, sewer system design flow rates and a 45 mg/I effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply wells and springs to include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the 10 mg/I drinking water limit.

[q] Effects on Waters of the Commonwealth. If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within 300 feet of the proposed and existing wells boundary, the report shall address the potential to affect these features as a result of drilling and pumping of the proposed supply wells. Circumstantial evidence to support conclusions regarding this issue shall be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests

shall be required when said surface water features are deemed at potential risk. If staff gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.

[r] Qualifications. The report shall include a brief statement of the qualifications of the person(s) preparing the study.

c. On-Lot Sewage Disposal. The applicant shall demonstrate safe and adequate on-lot sewage disposal capacity for the submission of the special exception use application. This shall include a report detailing the proposed sewage flow generation, soil testing performed and the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure and treatment tanks and equipment. The Township sewage enforcement officer shall be notified prior to conducting preliminary deep soil test pit evaluations and percolation/hydraulic conductivity testing.

7. Power supply.

a. If the applicant proposes to connect the Data Center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.

b. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

8. Emergency management.

a. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

i. Be reviewed and accepted by the local fire department and emergency management services as part of the [special exception/land development] process;

ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

iv. Ensure that all first responders receive adequate training specific to the installed system;

v. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

b. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

c. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

SECTION 4. The Bushkill Township Zoning Ordinance, Article 15, Off-Street Parking and Loading, Section 1500.G shall be amended to add the following:

Use	Off-Street Parking Space Required	Plus, Additional Off-Street Parking Space
Data center	1 space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees	

SECTION 5. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602.EE shall be amended to read as follows:

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.

3. Such use shall have at least one direct access drive onto an arterial or collector street.

4. Minimum lot width at the street line shall be 200 feet.

5. A membership club shall not be open to customers or patrons for business purposes between the hours of 11:00 p.m. and 6:00 a.m. A membership club may be approved to be open after 11:00 p.m. as a special exception use if the applicant proves to the satisfaction of the Zoning Hearing Board that such business hours will not negatively impact dwellings in the vicinity.

6. No person shall reside in or permit any person to reside in the premises.

7. The use shall be for members and their authorized guests only.

8. Emergency access to the site must be provided and approved by the Bushkill Township Chief of Police. The Township, in consultation with emergency service personnel, may require that two separate entrances be provided to the site.

9. Any access drives from a public street to the principal structure and public gathering areas located on the property shall be paved for public safety and emergency access.

SECTION 6. The Bushkill Township Zoning Ordinance, Appendix A, Permitted, Special Exception and Conditional Use Land Uses shall be amended to add the following:

	Land Use	RC	RR	V	GC/I
	Data Centers and Data Center Accessory Uses	X	X	X	SE
	All lawful uses not otherwise permitted	X	X	X	SE
	Solar energy facility (principal use)	X	X	X	SE

SECTION 7. The Bushkill Township Zoning Ordinance, Article 1, General Provisions and Administration, Section 104.B shall be deleted in its entirety.

SECTION 8. The Bushkill Township Zoning Ordinance, Article 2, Definitions, Section 201 shall be amended to replace the following terms:

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 user.

SECTION 9. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602 shall be amended to add the following:

HHH. All lawful uses not otherwise permitted. This section is intended to provide, by special exception, for any lawful use that is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in any other use categories described in this section. A lawful use not otherwise permitted shall be subject to the following requirements in addition to the regulations found in Article 16 Section 1601 and hereof:

1. The use must comply with the open space, impervious surface area, lot area, and dimensional requirements of the district in which the use is proposed.

2. The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection or any other commonwealth or federal government agency which regulates such use.

3. A buffer area shall be established in accordance with the conditions imposed upon the granting of special exception approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with §§ 1106 and 1504 of the Zoning Ordinance and shall be of sufficient width to protect the surrounding area from the objectionable effects of the proposed use, including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.

4. In addition, special exception approval will only be granted by the Zoning Hearing Board after it has determined that the granting of such will not result in additional threats to public safety or extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

III. Solar energy facility (principal use).

1. Minimum lot area: 2 acres

2. Application requirements.

   a. A narrative describing the proposed Solar Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Solar Energy Facility, the approximate number, representative types and height or range of heights of the panels or other Solar Energy System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.

b. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Solar Energy Facility is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the Solar Energy Facility ("Participating Landowner Agreement").

c. Identification of the properties or portions thereof on which the proposed Solar Energy Facility will be located, and the properties adjacent to where the Solar Energy Facility will be located.

d. A site plan showing the planned location of each Solar Energy Facility property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Solar Energy System to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

e. Documents related to decommissioning, including a schedule for decommissioning.

f. Other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by the Township to ensure compliance with this Ordinance.

3. The design of the Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), ETL, Florida Solar Energy Center (FSEC) or other similar certifying organizations.

4. The Solar Energy Facility and the Solar Energy System shall be constructed to and comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.

5. Visual appearance.

   a. Solar Energy Facilities shall not be artificially lighted, except to the extent required by safety or by any applicable federal, state or local authority.

b. Solar Energy Facilities shall not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the Facility Owner.

c. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

6. A Solar Energy Facility shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. Clearly visible warning signs shall be placed on the fence, barrier or Solar Energy Facility perimeter to inform individuals of potential voltage hazards.

7. Setbacks. All Solar Energy Systems shall be set back from the nearest property line a distance of not less than the minimum yard requirements for that zoning classification where the System is located unless the site is adjacent to a residential use or district, in which case the minimum setback shall be 100 feet. The setback distance shall be measured from the closest edge of the Solar Energy System to the property line.

8. A Solar Energy Facility shall be sited in such a way that it presents no threat to traffic or to public health and safety.

9. Decommissioning.

a. The Facility Owner and Operator shall, at their expense, complete decommissioning of the Solar Energy Facility or individual Solar Energy Systems within twelve (12) months after the end of the useful life of such Facility or System. A Solar Energy Facility or System will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

b. Decommissioning shall include removal of all Solar Energy Systems, buildings, cabling, electrical components, roads, foundations and any other associated facilities.

c. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

SECTION 10. SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Zoning Amendment shall continue to be separately and fully effective.

SECTION 11. REPEALER. All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this Ordinance and that are in conflict with this Ordinance are hereby repealed, including but not limited to, and conflicting provisions of the Bushkill Township Zoning Ordinance, as amended.

SECTION 12. ENACTMENT. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Bushkill Township.

ENACTED AND ORDAINED this 2 day of April, 2026, at a regular public meeting.

ATTEST:

Belinda A Roberts

BELINDA ROBERTS, Secretary

TOWNSHIP OF BUSHKILL

BY: _____

BRIEN KOCHER, Chairman