

**TOWNSHIP OF BUSHKILL  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO.      -2024-2**

**AN ORDINANCE**

**AMENDING THE BUSHKILL TOWNSHIP ZONING ORDINANCE OF 2012, AMENDING, REPLACING, AND REPEALING PROVISIONS THEREOF REGULATING THE FOLLOWING: DEFINITION OF SEWAGE DISPOSAL SYSTEM, REMOVING SINGLE FAMILY CLUSTER DEVELOPMENT AS A PERMITTED CONDITIONAL USE IN THE RR - RURAL RESIDENTIAL ZONING DISTRICT, AND PROVIDING FOR COMMON OPEN SPACE WITHIN SINGLE FAMILY CLUSTER DEVELOPMENT.**

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.**

Article 2, Section 201, TERMS DEFINED, Sewage Disposal System is hereby amended to read as follows:

Sewage Disposal System. A system designed to collect, treat and dispose of sewage which complies with all laws, regulations, and Ordinances enacted by local, State, and Federal authorities.

1. Central Sewer Service. Service by a sewage disposal system which collects, treats and disposes of sewage from more than one dwelling, principal use or lot.
  - a. Public Central Sewage Service. Service by a sewage disposal system which collects, treats and disposes sewage from more than one dwelling, principal use or lot with the sewer mains and treatment facility owned by a municipality, public authority, county, or governmental agency.
  - b. Private Central Sewage Service. Central sewage service that does not meet the definition of “public central sewage service.”
2. On-Lot Sewage Service. A sewage disposal system which collects, treats and disposes of sewage which does not meet the definition of central sewer service, i.e. service by a sewage disposal system which collects, treats and disposes of sewage for only one dwelling, principal use or lot.

## **SECTION 2.**

Article 5, RR - RURAL RESIDENTIAL DISTRICT, Section 503, PERMITTED CONDITIONAL USES, is hereby amended to delete:

- B. Single Family Cluster Development (in accordance with Article 12)

## **SECTION 3.**

Article 5, RR - RURAL RESIDENTIAL DISTRICT, Section 506.A, LOT AREA, WIDTH, BUILDING COVERAGE AND HEIGHT REGULATIONS, is hereby amended to delete:

- g. Single Family Cluster Development, Minimum Lot Area 10 acres, Minimum Lot Width in accordance with Article 12, Maximum Building Coverage (%) in accordance with Article 12.

#### **SECTION 4.**

Article 12, SINGLE FAMILY CLUSTER DEVELOPMENT, Section 1201.A, APPLICABILITY; REDUCTION OF LOT REQUIREMENTS, is hereby amended to read as follows:

- A. A single family cluster development (hereafter referred to as "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 only within the RC district.

#### **SECTION 5.**

Article 12, SINGLE FAMILY CLUSTER DEVELOPMENT, Section 1201.D, APPLICABILITY; REDUCTION OF LOT REQUIREMENTS, is hereby amended to delete the following:

- 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.

## **SECTION 6.**

Article 12, SINGLE FAMILY CLUSTER DEVELOPMENT, Section 1202.A, WATER AND SEWAGE DISPOSAL FOR CLUSTER DEVELOPMENTS, is hereby amended to read as follows:

- A. All lots within a SFCD shall be served by on-lot sewage service meeting all Federal, State, and local laws and regulations.

## **SECTION 7.**

Article 12, SINGLE FAMILY CLUSTER DEVELOPMENT, Section 1203.A.2, OPEN SPACE AREAS, is hereby amended to read as follows:

### **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. Required common open spaces shall be protected by a conservation easement dedicated to the Township.
- c. 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.
- d. 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 homeowner's association, are permitted within the standards and procedures of Section 1007 of the Township Subdivision and Land Development Ordinance.

**SECTION 8.**

Appendix A, Permitted, Special Exception and Conditional Use Land Uses is hereby amended to delete Single-family cluster development as a Conditional Use in the RR - Rural Residential zoning district.

**SECTION 9. SEVERABILITY**

It is hereby declared to be the intention of the Board of Supervisors of the Township of Bushkill that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**SECTION 10. REPEALER**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 11. EFFECTIVE DATE**

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

ENACTED AND ORDAINED this 4<sup>th</sup> day of January, 2024, at a regular public meeting.

**ATTEST:**

  
**BELINDA ROBERTS, Secretary**

**TOWNSHIP OF BUSHKILL**

**BY:**

  
**BRIEN KOCHER, Chairman**