

**TOWNSHIP OF BUSHKILL
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-02

AN ORDINANCE

**AMENDING THE BUSHKILL TOWNSHIP ZONING ORDINANCE OF 2012
AMENDING, REPLACING, AND REPEALING PROVISIONS THEREOF
REGULATING THE FOLLOWING: GENERAL PROVISIONS AND
ADMINISTRATION, PERMITS AND CERTIFICATES REQUIREMENTS,
FEDERAL FAIR HOUSING ACT REASONABLE ACCOMMODATION
PROVISIONS, DEFINITIONS OF TWO-FAMILY DETACHED DWELLING,
COMMERCIAL OUTDOOR RECREATION, SEWAGE DISPOSAL
SYSTEM, WATER SYSTEM, PROVISIONS REGARDING SLOPES IN THE
RURAL CONSERVATION DISTRICT, VILLAGE DISTRICT
REGULATIONS PERTAINING TO MIXED USE BUILDING, ACCESSORY
USES, STEEP SLOPES, GENERAL COMMERCIAL/INDUSTRIAL
DISTRICT REGULATIONS PERTAINING TO MIXED USE BUILDING,
WAREHOUSE, WHOLESALE, STORAGE OR DISTRIBUTION USE,
TRUCK COMPANY TERMINAL, AND STEEP SLOPE REQUIREMENTS,
NATURAL RESOURCE PROTECTION STEEP SLOPE RATES, GENERAL
REGULATIONS PERTAINING TO DRIVEWAYS, SEPTIC SYSTEMS AND
EASEMENTS, OFF-STREET PARKING, SOIL DISTURBANCE,
ADDITIONAL REQUIREMENTS FOR MIXED USE BUILDINGS,
COMMERCIAL RECREATION, WAREHOUSE, WHOLESALE, STORAGE
OR DISTRIBUTION USE, TRUCKING COMPANY TERMINAL, AND
PERMITTED SPECIAL EXCEPTION AND CONDITIONAL USES.**

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 1, General Provisions and Administration, Section 106, Permits and Certificates, Subsection D.3 introductory paragraph shall be amended to read as follows, and all proceeding subsections shall remain:

3. Plot/grading Plan Requirement. Prior to the issuance of a zoning 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 or multiple residential accessory structures that have a proposed area 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". The property owner shall be required to enter into an agreement with the Township to permit a designated representative of the Township access to the site for inspection with due notice.

SECTION 2. The Bushkill Township Zoning Ordinance, Article 1, General Provisions and Administration, Section 106, Permits and Certificates, Subsection D.3.b(15) shall be amended to read as follows:

- 15) The exact location and dimensions, including the height, of any proposed structure, appurtenant structure, road or driveway, with tie-in dimensions to property lines.

SECTION 3. The Bushkill Township Zoning Ordinance, Article 1, General Provisions and Administration, Section 106, Permits and Certificates, Subsection D.3.b(17) shall be amended to read as follows:

- 17) Location, size and detailed calculations of dry wells, leach areas or other stormwater control measures or all soil probe results must be shown including depth to limiting zone, depth to seasonal water table and bedrock, if required in Section 106.D.3.d.

SECTION 4. The Bushkill Township Zoning Ordinance, Article 1, General Provisions and Administration, Section 106, Permits and Certificates, Subsection D.3.d shall be amended to read as follows:

- d. In case of proposed construction of any structure or multiple structures with a proposed area over 1,000 square feet, a drywell or alternate on-lot storm water management facility (e.g. rain garden, infiltration basin, etc.) that will accept and infiltrate stormwater with 0.3 feet depth over roof area (designated storm volume) shall be required. These facilities shall be in addition to facilities required for Subdivision or Land Development stormwater management. The bottom of such facility shall be 2 feet (minimum) above bedrock or water table as determined by a soil probe evaluation. Where clay or poorly drained soils are present, as determined during the probe observation, permeability tests shall be required to show that the facility will accept and infiltrate or drain a rate sufficient to dewater within 72 hours.

SECTION 5. The Bushkill Township Zoning Ordinance, Article 1, General Provisions and Administration, Section 106, Permits and Certificates, Subsection I.5 shall be amended to read as follows:

5. The property owner must provide an engineer's verification form or as-built plans, as required by the Code Enforcement Officer, that the construction on the property, including grading, was performed in accordance with the site plan and/or land development plan.

SECTION 6. The Bushkill Township Zoning Ordinance, Article I, General Provisions and Administration, of the Bushkill Township Zoning Ordinance shall be amended to add the following:

§118 Reasonable Accommodation.

- A. Purpose. It is the policy of the Township, pursuant to the federal Fair Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.
- B. Applicability.
 1. Reasonable accommodation, in the context of this ordinance means, providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.
 2. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
 3. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

- C. Requests for reasonable accommodation shall be in writing and provide the following information:
 - 1. Name and address of the individual(s) requesting reasonable accommodation;
 - 2. Name and address of the property owner(s);
 - 3. Address of the property for which accommodation is requested;
 - 4. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - 5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- D. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- E. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- F. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.
- G. The Zoning Hearing Board shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation.
- H. In determining whether a requested accommodation is reasonable, the Zoning Hearing Board shall consider:
 - 1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 - 2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 - 3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
 - 4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's zoning ordinance.
- I. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process. The notice of decision shall be sent to the applicant by certified mail.

SECTION 7. The Bushkill Township Zoning Ordinance, Article 2, Definitions, the term "Auto Service Station" shall be amended to replace "gasoline" with "fuel".

SECTION 8. The Bushkill Township Zoning Ordinance, Article 2, Definitions, shall be amended to revise the term Two-Family Detached Dwelling to read as Two-Family Dwelling.

SECTION 9. The Bushkill Township Zoning Ordinance, Article 2, Definitions, shall be amended to revise the following terms:

Commercial Outdoor Recreation. A commercial facility devoted to passive or active recreation where activities predominately take place outdoors. Examples of this use include outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a golf course or country club or quasi-public parks, playgrounds, and athletic fields.

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from user in compliance with regulations of PA DEP and the Township.

1. Central Sewage Service. Service by a sewage disposal system which collects, treats and disposes sewage from more than 1 dwelling, principal use or lot.
 - a. Public Sewage Service. Central sewage service with the mains and the treatment facility owned by a municipality, a public authority or the County.
 - b. Private Central Sewage System. Central sewage system service that does not meet the definition of "public sewage system".
2. On-Lot Sewage System. A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only 1 dwelling unit, principal use or lot.

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

1. Central System or Service. Service by a water system which transmits water from a common source to more than 1 dwelling, principal use or lot.
2. Public System or Service. Central water system that is owned and/or operated by a Municipal Authority or a PA PUC registered water company and that services more than 30 dwelling units or principal uses.
3. On-Lot System or Service. Service by a water system which transmits water from a source on lot to only 1 dwelling, principal use or lot.

SECTION 10. The Bushkill Township Zoning Ordinance, Article 4, Rural Conservation District, Section 406, Subsection C shall be amended to read as follows:

- C. Slopes. See the steep slope regulations of Section 906, which may require a larger lot area.

SECTION 11. The Bushkill Township Zoning Ordinance, Article 5, Rural Residential District, Section 506, Subsection C shall be amended to read as follows:

- C. Slopes. See the steep slope regulations of Section 906, which may require a larger lot area.

SECTION 12. The Bushkill Township Zoning Ordinance, Article 6, Village District, Section 602 shall be amended to add the following:

HH. Mixed use building

SECTION 13. The Bushkill Township Zoning Ordinance, Article 6, Village District, Section 605, Accessory Uses, Subsection O.9 shall be amended to read as follows:

- O. A certification shall be received from the Pennsylvania Department of Environmental Protection or the Township Sewage Enforcement Officer 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.

SECTION 14. The Bushkill Township Zoning Ordinance, Article 6, Village District, Section 606, Subsection C shall be amended to read as follows:

- C. Slopes. See the steep slope regulations of Section 906, which may require a larger lot area.

SECTION 15. The Bushkill Township Zoning Ordinance, Article 7, General Commercial/Industrial District, Section 702 shall be amended to add the following:

WW. Mixed use building

SECTION 16. The Bushkill Township Zoning Ordinance, Article 7, General Commercial/Industrial District, Section 702.DD shall be amended to read as follows:

- DD. Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal having less than 25,000 square feet gross floor area (GFA).

SECTION 17. The Bushkill Township Zoning Ordinance, Article 7, General Commercial/Industrial District, Section 704.V shall be amended to read as follows:

- V. Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal having greater than 25,000 square feet gross floor area (GFA).

SECTION 18. The Bushkill Township Zoning Ordinance, Article 7, General Commercial/Industrial District, Section 706, Subsection F shall be amended to read as follows:

- F. See the steep slope requirements of Section 906.

SECTION 19. The Bushkill Township Zoning Ordinance, Article 9, Natural Resource Protection, Section 906, Steep Slopes, Subsection C shall be amended to read as follows:

- C. Protection rates.

1. Slope of 8% to 14%: 60% shall remain as resource-protected land. No more than 40% of the total of all such areas shall be developed and/or regraded.
2. Slope of 15% to 25%: 70% shall remain as resource-protected land. No more than 30% of the total of all such areas shall be developed and/or regraded.
3. Slope of greater than 25%: 85% shall remain as resource-protected land. No more than 15% of the total of all such areas shall be developed and/or regraded.

SECTION 20. The Bushkill Township Zoning Ordinance, Article 10, General Regulations, Section 1000, Subsection F.2 shall be amended to read as follows:

2. At each point where a private driveway 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 driveway, 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.

SECTION 21. The Bushkill Township Zoning Ordinance, Article 10, General Regulations, Section 1000, Subsection L shall be amended to read as follows:

- L. Septic Systems and Easements. No part of an on-lot septic tank drainfield or seepage bed shall be placed within 10 feet of a drainage or utility easement.

SECTION 22. The Bushkill Township Zoning Ordinance, Article 10, General Regulations, Section 1003, Subsection A.1 shall be amended to read as follows:

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 having a minimum depth of 10 feet, 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.

SECTION 23. The Bushkill Township Zoning Ordinance, Article 10, General Regulations, Section 1004, Subsection E.1 shall be amended to read as follows:

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 4:1, 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.

SECTION 24. The Bushkill Township Zoning Ordinance, Article 15, Off-Street Parking and Loading, Section 1500.E shall be amended to add the following:

Use	Off-Street Parking Space Required	Plus Additional Off-Street Parking Space
Mixed use building	3 spaces per 1,000 square feet of GFA for nonresidential uses	1 space per d.u. for efficiency/one bedroom units; or 1.5 spaces per d.u. for two bedroom units; or 2 spaces per d.u. for three or more bedroom units
Warehousing		
Small (less than 25,000 square feet GFA)	one space per 1,000 square feet of gross floor area	
Large (greater than 25,000 square feet GFA)	one space per 5,000 square feet of gross floor area for the first 100,000 square feet	one space per 10,000 square feet of gross floor area over 100,000 square feet

SECTION 25. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602.AAA shall be amended to read as follows:

AAA. TWO-FAMILY DWELLING. All requirements of the Township Subdivision and Land Development Ordinance and the applicable provisions of this Ordinance shall be met.

SECTION 26. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, shall be amended to add the following use:

HHH. MIXED USE BUILDING. The conversion, construction, or reconstruction of a building designed to contain a mixture of uses consisting of commercial, office, retail or service businesses, which are permitted, as specified, in combination with a residential use.

- (a) In a mixed-use building, commercial, office, and/or residential uses shall be permitted in a single building on one lot. Permitted commercial and office uses shall be limited to the following: library or museum; professional services; medical/dental office; business or administrative office; contractor office; retail store; specialty shop or store; personal service; repair services; restaurant; tavern or bar.
- (b) Residential uses shall be on the second and third floors of a mixed-use building. Nonresidential uses shall be on the first and second floors only.
- (c) Residential uses shall occupy at least 50% of the combined area of the upper floors of mixed-use buildings.

- (d) All permitted uses associated with a mixed use shall be conducted within a completely enclosed building unless expressly authorized. This requirement does not apply to required parking or loading areas, automated teller machines or outdoor seating.

SECTION 27. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602.K shall be amended to read as follows:

K. COMMERCIAL RECREATION.

1. Such use shall have a 50-foot buffer yard in accordance with Section 1106.
2. For commercial outdoor recreation uses, any associated structures/buildings shall have a total building coverage of less than 15 percent.

SECTION 28. The Bushkill Township Zoning Ordinance, Article 16, Additional Requirements for Specific Uses, Section 1602.ZZ shall be amended to read as follows:

ZZ. Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal.

1. Small Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal (less than 25,000 square feet GFA).
 - a. Minimum lot area of 5 acres.
 - b. Access to the site shall be from an arterial or collector street as identified on the Bushkill Township Official Street Classification Map.
 - c. Maximum building height for such use shall be 50 feet or 2.5 stories, whichever is more restrictive.
 - d. A traffic impact study shall be prepared and submitted as part of the application. The traffic impact study shall be prepared by a professional traffic engineer. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study, and will identify any new proposed truck routes and necessary truck routing signage.
 - e. Buffer yards. Buffer yards shall be required between non-industrial land uses, existing or zoned, in accordance with the following requirements:
 - 1) The buffer plantings are intended to be a dense visual screen. However, it is not intended to be a monocultural planting. A variety of evergreen tree species in conjunction with deciduous and/or evergreen shrubs should be utilized to provide complete screening and aesthetic variety and appeal.
 - 2) The screen buffer is to provide a visual barrier between adjacent non-industrial land uses. The screen buffer shall be aligned adjacent and parallel to side and rear property lines.

- 3) A 35-foot buffer shall be required between the industrial use and any non-industrial use, existing or zoned. Buffers shall not be required between adjacent industrial uses. Plan submissions should clearly indicate all adjacent land uses to determine where a buffer yard is required. Any required buffer yard shall be measured from the property line.
- 4) Trees used for screen buffers shall be composed of 100% evergreen varieties. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Shrubs shall have a minimum height of 36 inches when planted. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of these trees will be of a single variety. Canopy trees and/or flowering trees are encouraged to provide visual interest, in addition to the required evergreen trees and shrubs.
- 5) Plant materials shall be permanently maintained and any plant material which dies shall be replaced by land owner.
- 6) The buffer yard may overlap the required side or rear yards and, in case of conflict, the larger yard requirements shall apply.
- 7) No structure, sign, manufacturing or processing activity, commercial activity, parking, or storage or display of materials shall be permitted in the buffer yard. However, fences and/or walls may be installed by property owners in buffer yards on their property.
- 8) Existing plant material may be used/protected to meet the buffer requirements, provided that the existing plant material meets or exceeds the planting requirements noted above, or that the existing plant material is sufficient to provide the same buffering effect, either as it exists or is supplemented with additional plant material, as the planting requirements. Noxious weeds and/or invasive species may not be counted toward the buffer requirement and shall be removed or eradicated.
- 9) 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 trees and shrubs and planting. Such guarantee shall be released only after passage of the second growing season following planting.
- 10) Berms, fences and walls. Walls, fences and/or earth berms may be used in combination with plant material subject to the approval of the Board of Supervisors and in conformance with the following:
 - (i) The use of berms, fences and walls may be approved on a case-by-case/site specific basis after review by the Planning Commission and Board of Supervisors.

- (ii) Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
- (iii) Berms shall be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
- (iv) Berm soil. The following standards shall apply to soil to be used as a planting berm.
 - [a] Berm soil shall be free of stones of one inch or larger in any dimension; roots, plants, sod, clods, clay lumps, or pockets of coarse sand; contaminants such as chemicals, construction materials and building debris, fuels, and other extraneous materials harmful to plant growth; and obnoxious weeds and invasive plants.
 - [b] The soil shall not be infested with nematodes, grubs, other pests, pest eggs, or other undesirable organisms and disease-causing plant pathogens.
 - [c] Soil for berms shall be friable and with sufficient structure to give good tilth and aeration.
 - [d] Topsoil shall be a sufficient depth (3 inches) to support vegetation. Where whips or woody shrubs are to be planted, 18 inches of soil is required.
- (v) A berm, fence or wall may not exceed 8 feet in height.
- (vi) Fences or walls may be permitted to supplement a planting screen at the discretion of the Township. However, it is not the preferred method for screening.
- f. The minimum yard setbacks shall be as follows:
 - 1) Front yard: 50 feet
 - 2) Side yard (each): 50 feet
 - 3) Rear yard: 50 feet
- g. Where a property abuts a residential use, existing or zoned, the required side and/or rear yards directly abutting the residential use shall be increased to 80 feet.
- h. Parking requirement. A minimum of one space per 1,000 square feet of gross floor area. Of the required parking spaces at least ten percent shall be reserved as truck staging spaces measuring 12 feet by 75 feet. Loading docks/areas may not be counted towards the required truck staging spaces.
- i. Sufficient off-street queuing space shall be required at facility entrances to prevent vehicles from queuing on public streets while waiting for access to the facility.
- j. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

2. Large Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal (greater than 25,000 square feet GFA).
 - a. Minimum lot area of 20 acres.
 - b. No more than one principal building may be located on a single parcel.
 - c. Access to the site shall be from an arterial street as identified on the Bushkill Township Official Street Classification Map.
 - d. The maximum building height shall be 50 feet or 2.5 stories, whichever is more restrictive.
 - e. A traffic impact study consistent with the requirements of §27-410.5.D of this Ordinance shall be prepared and submitted as part of the application. The traffic impact study shall be prepared by a professional traffic engineer. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study, and will identify any new proposed truck routes and necessary truck routing signage.
 - f. Buffer yards. Buffer yards shall be required between non-industrial land uses, existing or zoned, in accordance with the following requirements:
 - 1) The buffer plantings are intended to be a dense visual screen. However, it is not intended to be a monocultural planting. A variety of evergreen tree species in conjunction with deciduous and/or evergreen shrubs should be utilized to provide complete screening and aesthetic variety and appeal.
 - 2) The screen buffer is to provide a visual barrier between adjacent non-industrial land uses. The screen buffer shall be aligned adjacent and parallel to side and rear property lines.
 - 3) A 35-foot buffer shall be required between the industrial use and any non-industrial use, existing or zoned. Buffers shall not be required between adjacent industrial uses. Plan submissions should clearly indicate all adjacent land uses to determine where a buffer yard is required. Any required buffer yard shall be measured from the property line.
 - 4) Trees used for screen buffers shall be composed of 100% evergreen varieties. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Shrubs shall have a minimum height of 36 inches when planted. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of these trees will be of a single variety. Canopy trees and/or flowering trees are encouraged to provide visual interest, in addition to the required evergreen trees and shrubs.

- 5) Plant materials shall be permanently maintained and any plant material which dies shall be replaced by land owner.
- 6) The buffer yard may overlap the required side or rear yards and, in case of conflict, the larger yard requirements shall apply.
- 7) No structure, sign, manufacturing or processing activity, commercial activity, parking, or storage or display of materials shall be permitted in the buffer yard. However, fences and/or walls may be installed by property owners in buffer yards on their property.
- 8) Existing plant material may be used/protected to meet the buffer requirements, provided that the existing plant material meets or exceeds the planting requirements noted above, or that the existing plant material is sufficient to provide the same buffering effect, either as it exists or is supplemented with additional plant material, as the planting requirements. Noxious weeds and/or invasive species may not be counted toward the buffer requirement and shall be removed or eradicated.
- 9) 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 trees and shrubs and planting. Such guarantee shall be released only after passage of the second growing season following planting.
- 10) Berms, fences and walls. Walls, fences and/or earth berms may be used in combination with plant material subject to the approval of the Board of Supervisors and in conformance with the following:
 - (i) The use of berms, fences and walls may be approved on a case-by-case/site specific basis after review by the Planning Commission.
 - (ii) Berms shall have side slopes of not less than three feet horizontal for each one foot vertical and a minimum crown width of two feet.
 - (iii) Berms shall be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
 - (iv) Berm soil. The following standards shall apply to soil to be used as a planting berm.
 - [a] Berm soil shall be free of stones of one inch or larger in any dimension; roots, plants, sod, clods, clay lumps, or pockets of coarse sand; contaminants such as chemicals, construction materials and building debris, fuels, and other extraneous

materials harmful to plant growth; and obnoxious weeds and invasive plants.

- [b] The soil shall not be infested with nematodes, grubs, other pests, pest eggs, or other undesirable organisms and disease-causing plant pathogens.
 - [c] Soil for berms shall be friable and with sufficient structure to give good tilth and aeration.
 - [d] Topsoil shall be a sufficient depth (3 inches) to support vegetation. Where whips or woody shrubs are to be planted, 18 inches of soil is required.
 - (v) A berm, fence or wall may not exceed 8 feet in height.
 - (vi) Fences or walls may be permitted to supplement a planting screen at the discretion of the Township. However, it is not the preferred method for screening.
- g. The minimum yard setbacks shall be as follows:
 - 1) Front yard: 50 feet
 - 2) Side yard (each): 50 feet
 - 3) Rear yard: 50 feet
 - h. Where a property abuts a residential use, existing or zoned, the required side and/or rear yards directly abutting the residential use shall be increased to 80 feet.
 - i. Parking requirement. A minimum of one space per 5,000 square feet of gross floor area for the first 100,000 square feet, plus one space per 10,000 square feet of gross floor area over 100,000 square feet. Of the required parking spaces at least ten percent shall be reserved as truck staging spaces measuring 12 feet by 75 feet. Loading docks/areas may not be counted towards the required truck staging spaces.
 - j. Sufficient off-street queuing space shall be required at facility entrances to prevent vehicles from queuing on public streets while waiting for access to the facility.
 - k. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

SECTION 29. 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	GCI
Mixed use building		x	x	P	P
Warehouse, Wholesale, Storage or Distribution Use, Trucking Company Terminal					
Small (less than 25,000 s.f. GFA)		x	x	x	P
Large (greater than 25,000 s.f. GFA)		x	x	x	SE

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.

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.

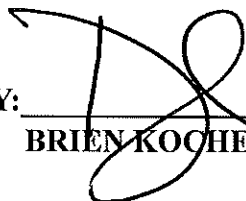
ENACTMENT. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Bushkill Township.

ENACTED AND ORDAINED this 6th day of February, 2025, at a regular public meeting.

ATTEST:

Belinda Roberts
BELINDA ROBERTS, Secretary

TOWNSHIP OF BUSHKILL

BY: 
BRIEN KOOSER, Chairman