

**LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

RESOLUTION NO. LN7-13-25

A RESOLUTION OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA, ADOPTING AN INTERMUNICIPAL COOPERATIVE ZONING IMPLEMENTATION AGREEMENT WHEREIN LOWER NAZARETH TOWNSHIP, UPPER NAZARETH TOWNSHIP, AND CHAPMAN BOROUGH SHARE RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USES PURSUANT TO THE NAZARETH AREA MULTI-MUNICIPAL COMPREHENSIVE PLAN AND PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND PROVIDING FOR THE ADDING OF OTHER MUNICIPALITIES AS PARTICIPANTS, ADMINISTRATION AND ENFORCEMENT.

WHEREAS, Lower Nazareth Township is a Second Class Township with offices at 623 Municipal Drive, Nazareth, Pennsylvania; and

WHEREAS, Upper Nazareth Township is a Second Class Township with offices at 100 Newport Avenue, Nazareth, Pennsylvania; and

WHEREAS, Chapman Borough is a Borough with offices at 1400 Main Street, Chapman, Bath, Pennsylvania; and

WHEREAS, all three (3) municipalities have adopted the Nazareth Area Council of Governments Multi-Municipal Comprehensive Plan in 2022; and

WHEREAS, all three (3) municipalities utilized Environmental Planning & Design to prepare Zoning Ordinances and Maps utilizing a shared and coordinated zoning use dynamic, which is permissible pursuant to Article XI of the Pennsylvania Municipalities Planning Code; and

WHEREAS, each municipality has indicated its intention and desire to participate in a shared and coordinated zoning arrangement in order to share and coordinate land uses across all three (3) municipalities; and

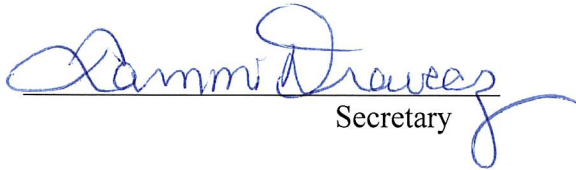
WHEREAS, cooperation and coordination among municipalities in the exercise and performance of their governmental powers, duties, and functions is authorized by the Pennsylvania Intergovernmental Cooperation Law.

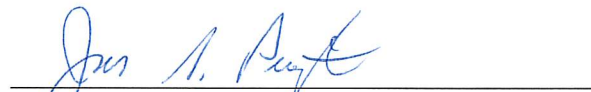
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, hereby adopts the Intermunicipal Cooperative Zoning Implementation Agreement attached hereto, made a part hereof, and marked Exhibit "A" and authorizes the Chairman of the Board of Supervisors to execute the aforesaid Agreement on behalf of Lower Nazareth Township.

DULY ADOPTED this day 26 of MARCH, 2025.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:


Secretary


James Pennington, Chairman

Intermunicipal Cooperative Zoning Implementation Agreement

This Agreement entered into on this day _____ of _____ 2025, by and between the following parties:

LOWER NAZARETH TOWNSHIP, a Second-Class Township in the Commonwealth of Pennsylvania with offices located at 623 Municipal Drive, Nazareth, Pennsylvania 18064; and

UPPER NAZARETH TOWNSHIP, a Second-Class Township in the Commonwealth of Pennsylvania with offices located at 100 Newport Avenue, Nazareth, Pennsylvania 18064; and

CHAPMAN BOROUGH, a Borough in the Commonwealth of Pennsylvania with offices located at 1400 Main Street, Chapman, Bath, Pennsylvania 18014.

SECTION I: AUTHORIZATION

The following Intermunicipal Cooperative Zoning Implementation Agreement (“Agreement”) is authorized by and conforms to the Pennsylvania Municipalities Planning Code, Act of 1968, PL 805, No 247 as reenacted and amended, and the Intergovernmental Cooperation Act, 53 PA C.S. §2301-2315), as amended.

SECTION II: PURPOSE

The purpose of this Agreement is to allow the Parties to cooperate in zoning for the purposes of sharing residential, commercial, and industrial land uses. This Cooperative Agreement follows the general planning guidance provided in the NazCOG Multi-Municipal Comprehensive Plan adopted in 2022 by all parties that promotes the shared zoning of land uses in areas that will benefit the community.

This Agreement does not govern the individual municipalities’ Subdivision and Land Development approval powers. Subdivision and Land Development approval powers shall continue to be exercised by the municipality where the approval is sought is located. Ordinance adoption and amendment powers shall continue to be exercised by each municipality within its municipal borders.

SECTION III: DEFINITIONS

Agriculture Use - Land uses that seek to preserve agricultural lands and woodlands, to encourage conservation of open space and landscapes, and to allow for limited low-density residential uses compatible with working lands.

Commercial Use - Land uses that utilize real estate for business purposes with a goal to generate income, including, but not limited to, retail, restaurants, medical, contractors, banking, and light manufacturing.

Intermunicipal Cooperative Zoning Implementation Agreement

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Commercial Use - Land uses that utilize real estate for business purposes with a goal to generate income, including, but not limited to, retail, restaurants, medical, contractors, banking, and light manufacturing.

Comprehensive Plan - The NazCOG Multi-Municipal Comprehensive Plan that was prepared by Lehigh Valley Planning Commission for the ten participating municipalities including: Bath Borough, Bushkill Township, Chapman Borough, Hanover Township, Lower Nazareth Township, Moore Township, Nazareth Borough, Stockertown Borough, Tatamy Borough, and Upper Nazareth Township

Industrial Land Use - Land uses that include, but are not limited to, manufacturing, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage yards, warehouses, wholesale storage and other similar types of enterprise.

Intermunicipal Cooperative Zoning Implementation Agreement (Agreement) - Establishes the parameters of the Agreement between the Parties and includes supporting planning and zoning analysis.

Lehigh Valley Planning Commission (LVPC) - The regional planning commission serving Northampton County and Lehigh County municipalities in matters of planning.

Nazareth Area Council of Governments - The Nazareth Area Council of Governments is a voluntary association of municipalities in the Nazareth area consisting of 11 member municipalities that cooperate in government services to the benefit of municipal government operations in each of the member municipalities. The participating municipalities include: Allen Township, Bath Borough, Bushkill Township, Chapman Borough, Hanover Township, Lower Nazareth Township, Moore Township, Nazareth Borough, Stockertown Borough, Tatamy Borough, and Upper Nazareth Township.

Pennsylvania Municipalities Planning Code - Act of 1968, PL 805, No. 247 as reenacted and amended. The MPC provides the authority for municipalities to individually and jointly plan their development and govern this development with zoning and other tools.

Residential Use - Land uses for a diverse range of dwelling units, including, but not limited to, single-family, apartments, and multi-family dwellings.

Zoning Ordinance - An Ordinance adopted by a municipality in accordance with the Pennsylvania Municipalities Planning Code, which regulates, among other things, the location, size, and density of land uses within a community.

Zoning Officer - The individual designated by the municipality as responsible for enforcing and administering the Zoning Ordinance.

SECTION IV: RELATIONSHIP TO NAZCOG MULTI-MUNICIPAL COMPREHENSIVE PLAN

The NazCOG Multi-Municipal Comprehensive Plan was adopted by all ten participating municipalities. This Plan provides a regional framework regarding the future planning and

development of the ten participating municipalities, which includes Lower Nazareth Township, Upper Nazareth Township, and Chapman Borough. The Plan recommends the following broad goals and policies regarding intermunicipal and regional relationships.

Comprehensive Plan Goals related to coordinated land use policy:

- Goal 1: Reduce Development Stress on Existing Utility Infrastructure
- Goal 2: Balance Preservation and Development
- Goal 5: Mitigate the Impacts of Increasing Traffic on Roads and Infrastructure
- Goal 6: Identify the Appropriate Site Locations for Warehouses and Industrial Development

Additionally, the implementation of the coordinated and shared land uses between the three municipalities allows each municipality to comply with the Comprehensive Plan's requirements to update their Zoning Ordinances in a manner that meets the above-listed goals.

SECTION V: ADEQUACY OF ZONING

A. CURRENT STATUS

The current location of agricultural, residential, commercial, and industrial zoning within Lower Nazareth Township, Upper Nazareth Township, and Chapman Borough is generally consistent with the NazCOG Multi-Municipal Comprehensive Plan. It is the position of the Parties that, as of the effective date of this Intermunicipal Agreement, the combined inventory of these uses within these three municipalities is adequate to meet the current and future combined needs of the parties. Exhibit "A" outlines the uses shared between the municipalities.

B. AGREEMENT TO MAINTAIN ADEQUACY

The Parties agree to maintain a combined inventory of agricultural, residential, commercial, and industrial uses within the three municipalities adequate to meet the current and future combined needs of the three municipalities, remain generally consistent with the Multi-Municipal Comprehensive Plan and the Municipalities Planning Code.

If any Party accepts a request for study or otherwise proposes an amendment in the municipal inventory of the zoning districts for any agricultural, residential, commercial, or industrial uses, the Party shall notify the other Parties and the LVPC in writing of the request. A review by municipal staff from each municipality shall be conducted of the proposed reduction(s) and any updates to the appendices shall be provided to the Parties, including a recommendation as to whether the proposed revised inventory of uses within the three municipalities will be adequate to meet the current and future combined needs of the Parties. The Party considering the amendment shall not proceed with consideration of the proposed amendment until LVPC and

the other Parties have responded or 45 days have passed from the date of the notice to the LVPC and the other Parties.

If the governing bodies of the three municipalities find that the combined zoning district inventory will be adequate to meet the current and future combined needs of the Parties, the Party considering the proposed change may proceed to approve or disapprove the amendment on its own merits. If the change is approved, an updated Exhibit "A" shall be adopted by each Party by Resolution and incorporated as part of this Agreement.

If the governing body of any Party determines that the change will mean that the combined zoning district inventory will not be adequate to meet the current and future combined needs of the Parties, then the Party considering the amendment will either (1) deny the proposed amendment, (2) refer the issue to dispute resolution as provided in Section XII of this Agreement, or (3) initiate termination of this Agreement as provided in Section XIII. The Parties may also, by mutual written consent, agree on a case-by-case basis that a de minimis amendment does not require the formal process otherwise provided in this Section VII-B.

SECTION VI: ADDING OTHER MUNICIPALITIES AS PARTIES TO THE AGREEMENT

Nazareth Area Council of Governments member municipalities not party to this Agreement may be provided an opportunity to join this Intermunicipal Cooperative Zoning Implementation Agreement if planning and zoning details and general consistency are demonstrated. In the event any municipality chooses to join this Agreement, provided the current Parties' consent, a new Agreement will be prepared and adopted by the Parties.

In the event the Parties consider entering into an Agreement with another municipality in the provision of zoning, then the provisions of VII-B (Agreement to Maintain Adequacy) shall be followed.

SECTION VII: ADMINISTRATION AND ENFORCEMENT

This Intermunicipal Agreement is an extension of the municipal authority to adopt Zoning Ordinances, districts, and criteria and to enforce said Ordinances, districts, and criteria as authorized by Article VI of the MPC. All zoning interpretations, determinations, and enforcement actions shall be made in accordance with all applicable standards set forth in the controlling municipal Zoning Ordinances and the MPC.

The authority for interpretation, administration, and enforcement of the Zoning Ordinance shall remain with each individual municipality.

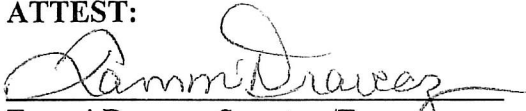
In the event of a challenge to the validity of this Agreement, the costs of litigation shall be equally shared by all Parties.

SECTION VIII: TERM AND EFFECTIVE DATE

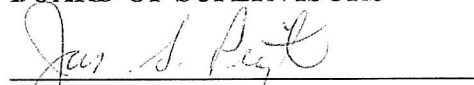
The effective date of this Agreement shall be the date of the last signature of approval from the governing body of a Party to the Agreement. If any Party wishes to terminate this Agreement, it shall provide the other Parties six months' notice in writing of its intent to withdraw prior to effective termination to give the other Parties an opportunity to make necessary amendments to their respective Zoning Ordinances to bring them into compliance with the Pennsylvania Municipalities Planning Code.

APPROVED BY THE LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the 26 day of March, 2025.

ATTEST:


Tammi Dravecz, Secretary/Treasurer

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**


James Pennington, Chairman

APPROVED BY THE UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the _____ day of _____, 2025.

ATTEST:

Deanne Werkheiser, Secretary/Treasurer

**UPPER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

Scott Sylvanius, Chairman

APPROVED BY THE CHAPMAN BOROUGH COUNCIL at a public meeting on the _____ day of _____, 2025.

ATTEST:

Secretary

CHAPMAN BOROUGH COUNCIL

President

Mayor

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APPROVED BY THE LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the _____ day of _____, 2025.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Tammi Dravec, Secretary/Treasurer

James Pennington, Chairman

APPROVED BY THE UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the 2nd day of April, 2025.

**UPPER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Kim Mutarelli
Kim Mutarelli, Secretary

Scott Sylvanius
Scott Sylvanius, Chairman

APPROVED BY THE CHAPMAN BOROUGH COUNCIL at a public meeting on the _____ day of _____, 2025.

CHAPMAN BOROUGH COUNCIL

ATTEST:

Secretary

President

Mayor

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APPROVED BY THE LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the _____ day of _____, 2025.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Tammi Dravec, Secretary/Treasurer

James Pennington, Chairman

APPROVED BY THE UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS at a public meeting on the _____ day of _____, 2025.

**UPPER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Deanne Werkheiser, Secretary/Treasurer

Scott Sylvanius, Chairman

APPROVED BY THE CHAPMAN BOROUGH COUNCIL at a public meeting on the 7th day of April, 2025.

CHAPMAN BOROUGH COUNCIL

ATTEST:

Secretary

President

Mayor

Municipality	Principal Use	Use Group	TD1	TD2	TD3	TD4	TD5	TD6	TD7	TD8	TD9	TD10	TD11	Sort
Chapman	Adult Use	Com												1
Chapman	Age-Restricted Residential Development	Res												2
Chapman	Agriculture Equipment Sales	Com												3
Chapman	Agriculture Operation	Agr												4
Chapman	Airport	Com												5
Chapman	Animal Daycare	Com												6
Chapman	Animal Feed Mill	Com												7
Chapman	Animal Hospital, large	Com												8
Chapman	Animal Hospital, Small	Com												9
Chapman	Any Nonresidential Land Use Not Assigned Otherwise	Com												10
Chapman	Any Residential Land Use Not Assigned Otherwise	x												11
Chapman	Apartment, Conversion	Res												12
Chapman	Auditorium, Commercial	Com												13
Chapman	Auto Repair Garage	Com												14
Chapman	Auto Service Station	Com												15
Chapman	Auto Service/Repair Station	Com												16
Chapman	Auto Towing/Yard	Ind												17
Chapman	Auto, Boat, or Mobilehome Sales	Com												18
Chapman	Auto/Truck/Body Collision Center	Com												19
Chapman	Bakery	Com												20
Chapman	Bank	Com												21
Chapman	Bed and Breakfast	Com												22
Chapman	Betting Use	Com												23
Chapman	Beverage Distribution	Com												24
Chapman	Boarding House	Res												25
Chapman	Brewpub	Com												26
Chapman	Bulk Storage of Fuel	Ind												27
Chapman	Bus Station or Taxi Terminal	Com												28
Chapman	Campground	Com												29
Chapman	Car Wash	Com												30
Chapman	Cement Plant	Ind												31
Chapman	Cemetery	Agr												32
Chapman	Child Care Center	Com												33
Chapman	Child Care Home, Family	Com												34
Chapman	Child Care Home, Group	Com												35
Chapman	Cluster Development	Res												36
Chapman	Commercial Communications Antenna	Ind												37
Chapman	Commercial Communications Tower	Ind												38
Chapman	Commercial Crop Storage	Com												39
Chapman	Commercial Indoor Recreation	Com												40
Chapman	Commercial Outdoor Recreation	Com												41
Chapman	Commercial Stable	Com												42
Chapman	Concentrated Animal Feeding Operation (CAFO)	Agr												43
Chapman	Concentrated Animal Feeding Operation (CAO)	Agr												44
Chapman	Conservation	Com												45
Chapman	Contractor Office/Yard	Com												46
Chapman	Convenience Store	Com												47
Chapman	Convenience Store With Fuel/Energy Recharge	Com												48
Chapman	Craftsman/Artisan Studio	Com												49
Chapman	Cultural/Community Center	Com												50
Chapman	Day Care Center, Adult	Com												51
Chapman	Distillery	Ind												52
Chapman	Distribution Center, Type 1	Ind												53
Chapman	Distribution Center, Type 2	Ind												54
Chapman	Dormitory	Res												55
Chapman	Drive-In Theater	Com												56

Exhibit "A"

[illegible]

[illegible]