

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 237-01-21

AN ORDINANCE

AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE TO CREATE A LIMITED LIGHT INDUSTRIAL OVERLAY DISTRICT (LLI), SETTING FORTH PURPOSES, APPLICABILITY, USES PERMITTED BY RIGHT, SPECIAL EXCEPTION USES, CONDITIONAL USES, PROHIBITED USES, STANDARDS FOR APPROVAL, LOT AND SETBACK REGULATIONS, AND ADDITIONAL REGULATION, AND AMENDING THE LOWER NAZARETH TOWNSHIP ZONING MAP TO APPLY THE LIMITED LIGHT INDUSTRIAL OVERLAY DISTRICT (LLI) TO TAX PARCELS L7-8-3 AND L7-8-4B, LYING NORTH OF THE LOWER NAZARETH COMMERCIAL PARK, NORTH OF MIKRON ROAD, WEST OF ROUTE 191, AND SOUTH OF HANOVERVILLE ROAD.

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

WHEREAS, the Zoning Ordinance provides regulations that promote the health, safety and welfare of the constituents of Lower Nazareth Township; and

WHEREAS, it has been determined, after consultation with the Lehigh Valley Planning Commission and Lower Nazareth Township Planning Commission, that alternative types of development on certain lands with appropriate control are in the best interest of orderly development keeping in mind the purposes of the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, amending the Lower Nazareth Township Zoning Ordinance and Lower Nazareth Township Map as follows:

SECTION 1.

The Lower Nazareth Township Zoning Ordinance is hereby amended to add the following Article:

**ARTICLE XXI
LLI LIMITED LIGHT INDUSTRIAL OVERLAY DISTRICT**

2101. **PURPOSES.** To serve the same purposes as the LI Zoning District, as provided in Section 1101. To provide an alternative type of development on certain lands, but with additional development controls that are appropriate because of the road system and proximity of adjacent uses.

2102. **APPLICABILITY.** Within the LLI Overlay District, an applicant shall have the choice of developing the land under the LLI zoning provisions or under the provisions of the underlying zoning district. Once a development is approved under the underlying or overlay district, it shall be completed and continue to be governed by that same zoning district. All other provisions of Township development regulations, including but not limited to signs, parking, landscaping, general regulations and environmental protection provisions, shall continue in full effect.

2103. **PLANNED BUSINESS DEVELOPMENT.**

- A. This term shall mean a development that is approved as a conditional use under the standards of Section 1107, which is included by reference.
- B. After receiving approval for a Planned Business Development on a tract with a minimum of 5 acres, then individual lots and uses may be developed in compliance with this Article, such as with minimum lot sizes of 2 acres.
- C. An accurate site plan of the proposed lots and setbacks and typical building, stormwater management and parking locations shall be submitted as part of the Planned Business Development application.

2104. **PERMITTED BY RIGHT USES.** Only the following are permitted by right uses in the LLI District, provided that the requirements for specific uses in Article XV are met:

- A. The following uses are permitted by right only within a Planned Business Development: (Note - additional uses are also permitted by right under subsection B. below or as part of the underlying zoning district regulations).
 - 1. Packaging and Bottling Operations, without on-lot retail sales
 - 2. Manufacture, assembly and processing of the following:
 - a. Electrical and Electronic Machines, Supplies and Equipment
 - b. Jewelry, Precision Instruments, Optical Goods and similar products
 - c. Products from Wood or Previously Prepared Materials, such as glass, leather, cellophane, textiles, rubber or synthetic rubber
 - d. Textiles, Apparel, Shoes and Apparel Accessories
 - e. Food Products (but not including a slaughterhouse, meat packing plant, stockyard, animal husbandry or animal feed mill)
 - f. Transportation Equipment
 - g. Manufactured or Modular Housing
 - h. Paper and Cardboard Products (but not including manufacture of wood pulp)
 - i. Glass and Glass Products
 - j. Leather, Clay and Pottery Products
 - k. Fabricated Metal Products (except Ammunition or Explosives)
 - l. Pharmaceuticals
 - m. Microelectronic Components
 - 3. Finishing of Previously Prepared Resin, Vinyl, Polymer, Plastic or Rubber Products

4. Finishing, Grinding, Polishing, Stamping or Heat Treating of Products
5. Welding
6. Sales, Rental or Repair of Industrial Equipment, other than vehicles primarily intended for use on public streets
7. Warehousing, which shall only be allowed as a clearly accessory use to either: a) a principal manufacturing or building contracting use that is located within 1,000 feet of driving distance from the warehousing building, or b) a principal industrial or building contracting use that is on the same lot. In addition, warehousing may occupy a maximum of 20,000 square feet of building floor area on a lot if it is limited to items typically being kept on the site for periods of time of 6 months or longer.
8. Exercise Club
9. Wholesale Sales*
10. Testing and Repair of Electronic, Electrical and closely similar Manufactured Products
11. Accessory retail sales of products produced on-site, limited to no more than 5 percent of the floor area of any building
12. Outdoor Storage as Accessory to a Permitted Use**
13. Wholesale Building Supply Sales, not including asphalt or cement processing and not including direct on-site retail sales to individuals
14. Package Delivery Services involving sorting and processing for off-site deliveries
15. Printing of apparel, paper or other items, but not including direct on-site retail sales to individuals
16. Headquarters of a Building Contractor or Tradesperson, such as a Plumbing or Heating Contractor
17. Self-Storage Development*
18. Accessory Uses or Structures customarily incidental to an approved permitted by right, special exception or conditional use.**

* See additional requirements in Section 1502.

**See additional requirements in Section 1503.

2105. SPECIAL EXCEPTION USES. The following uses are special exception uses in the LLI District, provided that all other requirements of this Ordinance are met, especially Article XVI, "Performance Standards," provided there is a minimum 400 feet setback from any lot line of any existing dwelling or undeveloped land in a residential district, except where the owner of such lot provides a written, signed and notarized waiver of the setback to the Township:

- A. Other Industrial Activities involving processing, recycling, cleaning, assembling, packaging, conversion, production, repair or testing of materials or products if the applicant clearly proves to the satisfaction of the Zoning Hearing Board that the use would have a character similar to permitted by right and special exception uses, and would not have a serious threat of creating conditions that would violate Article XVI. No use that is specifically prohibited shall be permitted by this Section.

2106. **CONDITIONAL USES.** The following are conditional uses in the LLI District, provided that all other requirements of this Ordinance are met:

A. Planned Business Development (see additional requirements in Sections 1107)

2107. **SPECIFICALLY PROHIBITED USES.** All uses that are not specifically listed as being allowed in the LLI District are prohibited, unless their allowance is implied by a closely similar use. The following uses are very specifically prohibited in the LLI District as principal and/or accessory uses:

A. All uses are prohibited that would have a serious threat of future inability to comply with the performance standards of this Ordinance, as stated in Article XVI.

B. All of same uses that are specifically prohibited by Section 1106 in the LI District shall also be specifically prohibited in the LLI District. In addition, the following uses are also specifically prohibited in the LLI District:

1. Truck Terminal as a principal use
2. Retail Sales, other than as specifically permitted as an accessory use under Section 2104
3. Warehousing or Distribution as a principal use, other than as specifically permitted under Section 2104.

2108. **STANDARDS FOR APPROVAL OF A PLANNED BUSINESS DEVELOPMENT.** The requirements of Section 1107 for the LI District shall also apply to the LLI District, including but not limited to the minimum tract size, landscaping plans, coordinated vehicle access, and covenant requirements.

2109. **LOT AND SETBACK REGULATIONS.** The requirements of Section 1108 for the LI District shall also apply to the LLI District, including but not limited to the requirements for minimum lot area, lot width, coverage, yards, parking setbacks, and setbacks from residential districts. Within the LLI District, the minimum lot width shall be reduced to 100 feet where the lot is adjacent to the bulb turnaround of a cul-de-sac street.

2110. **ADDITIONAL REQUIREMENTS.** The requirements of Section 1109 for the LI District shall also apply to the LLI District, including but not limited to the provisions for site plan review, buffer yards, performance standards, signs, multiple buildings, and paved area setbacks.

A. Within the LLI District, the same sign requirements shall apply as apply within the LI District.

B. A lot within the LLI District shall not have motor vehicle ingress from or egress onto Hanoverville Road, except that a driveway may be provided if it is limited by a secure gate to use only by emergency vehicles. The design and method of emergency access through the gate shall be subject to conditions established by the Board of Supervisors, after an opportunity for review is provided to the local Fire Company and Ambulance Company.

- C. The requirement for a larger setback from the lot line of an existing dwelling or residential district in Section 1108.M. shall not apply from a lot if: 1) the owner of such abutting lot provides a written, signed and notarized waiver of such requirements, or 2) the abutting lot is only occupied by an emergency services station.
- D. A buffer yard with plant screening meeting the requirements of Section 1404.D. shall apply along a lot line in the LLI District whenever any industrial use is visible from an existing dwelling or Hanoverville Road along such lot line.

SECTION 2.

The Lower Nazareth Township Zoning Map is hereby amended to apply the Limited Light Industrial Overlay District (LLI) to the following tracts: Tax Parcel No. L7-8-3 and Tax Parcel No. L7-8-4B, consisting of approximately 23 acres and existing in the underlying Office Park Zoning District (OP). The portion of the Lower Nazareth Township Zoning Map identified herein is depicted in Exhibit "A" attached hereto and made a part hereof.

SECTION 3.

It is hereby declared to be the intention of the Board of Supervisors of the Township of Lower Nazareth 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 4.

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

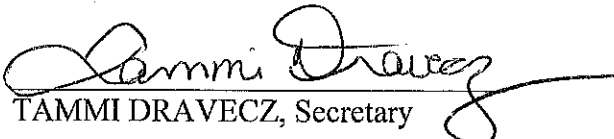
SECTION 5.


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

ENACTED AND ORDAINED this 27 day of January, 2021, at a regular public meeting.

TOWNSHIP OF LOWER NAZARETH

ATTEST:


TAMMI DRAVECZ, Secretary

By: 
JAMES PENNINGTON, Chairman



MDR

LDR

CR

Parcel #
L7-8-3 0418

MDR

Parcel #
L7-8-4B 0418

OP

LI

Mikron Rd

ROUTE 191

Nazareth Pike

LDR

GC

LDR

Exhibit "A"