

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

ORDINANCE NO. 248.64.24

AN ORDINANCE

AMENDING THE LOWER NAZARETH TOWNSHIP OFFICIAL ZONING MAP TO CLASSIFY THE FOLLOWING DESIGNATED LANDS TO BE WITHIN THE TD11 MANUFACTURING, EXTRACTION AND PROCESSING ZONE: PARCEL NOS. K7-9-1-0418 (2.6 ACRES), K7-10-2-0418 (4 ACRES), K7-15-4-0418 (2.5 ACRES), K7-11-3-0418 (1.21 ACRES), K7-10-3-0418 (7.1 ACRES), K8-3-5-0418 (20.56 ACRES), K8-3-6-0418 (3 ACRES), K7-11-1-0418 (7.7 ACRES), K7-10-1A-0418 (+/- 1 ACRE), AND K7-13-1-0418 (3.6 ACRES); AND AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE TO INCLUDE MINERAL EXTRACTION AS A USE PERMITTED IN THE TD11 MANUFACTURING, EXTRACTION AND PROCESSING ZONE, AS CONSISTENT WITH THE PURPOSE STATED FOR THE TD11 ZONE, AND PROVIDING FOR REQUIREMENTS AND CONDITIONS SPECIFIC TO THAT USE AS A SPECIAL EXCEPTION.

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Nazareth Area Multi-Municipal Comprehensive Plan as of August 10, 2022; and

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Nazareth Area Multi-Municipal Comprehensive Plan Implementation Agreement on August 9, 2023; and

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Zoning Ordinance of Lower Nazareth Township on December 13, 2023; and

WHEREAS, the Lower Nazareth Township Board of Supervisors has determined it to be in the best interests of the public health, safety, and general welfare of the residents of Lower Nazareth Township to amend the Lower Nazareth

Township Zoning Ordinance and Official Zoning Map to include mineral extraction within the TD11 Zone.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Nazareth 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.O. 805), Article VI, Section 601, et seq., as amended (53 P.S. 10601, et seq.), as follows:

SECTION 1.

The Lower Nazareth Township Base Zoning Districts Official Zoning Map shall be amended and replaced by the Map attached hereto and incorporated herein by reference as "Exhibit A," to classify all those lands specifically identified as Tax Parcel Nos. K7-9-1-0418 (2.6 acres), K7-10-2-0418 (4 acres), K7-15-4-0418 (2.5 acres), K7-11-3-0418 (1.21 acres), K7-10-3-0418 (7.1 acres), K8-3-5-0418 (20.56 acres), K8-3-6-0418 (3 acres), K7-11-1-0418 (7.7 acres), K7-10-1A-0418 (+/- 1 acre), and K7-13-1-0418 (3.6 acres), within the TD11 Manufacturing, Extraction and Processing Zone.

SECTION 2.

Article VI, 601(1), SUPPLEMENTAL REGULATIONS, Filling, Extraction, and Grading is hereby amended to read as follows:

1. All activities other than farming and mineral extraction (which is the subject of state and/or federal permitting regulations) which require the moving of earth or the filling or excavating of an area greater than 5,000 square feet shall submit a sedimentation and erosion control plan and a site grading plan to the Township prior to the start of such work. These plans may be subject to reviews by the Township Engineer and the County Conservation District. See also Section 807, "Preservation of Trees and Forests".

SECTION 3.

Article VII, CONDITIONAL USES AND SPECIAL EXCEPTIONS, Section 702, Specific Criteria for Conditional Uses and Special Exceptions is hereby amended to add the following:

30. Mineral Extraction

- a. The activities and residual effects shall not create conditions that are significantly hazardous or otherwise significantly adverse to the value and customary use of adjacent properties. Adequate and reasonable protection shall be provided to adjacent uses.
- b. The site shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some economically productive future use and that extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
- c. A yard covered by natural ground cover (other than approved driveways) with a width of 50 feet shall be required alongside all exterior lot lines that are within 250 feet of an area of excavation.
- d. Minimum Setbacks for Excavation for Mineral Extraction:
 - (1) 100 feet from the future right-of-way of a public street and from all exterior lot-lines of the property.
 - (2) 250 feet from an occupied dwelling unit or commercial, industrial or institutional building.
 - (3) 250 feet from a residential district boundary, unless released by the owner thereof.
 - (4) 250 feet from the lot-line of a publicly owned park that existed at time of the application for the use or expansion.
 - (5) 100 feet from the bank of a perennial stream or a natural wetland of more than 2 acres.
- e. Fencing. The Zoning Hearing Board may require secure chain-link fencing in locations where needed to protect public safety.

- f. Performance Standards. See Article IX.
- g. County Conservation District. A copy of all materials submitted to the Township regarding earth disturbance and a soil erosion and sedimentation plan shall be sent also to the County Conservation District for a review.
- h. Engineering Review. The application shall be sent to the Township Engineer for a review, with the costs of such review paid by the applicant.
- i. Hours of Operation. The Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- j. Board of Supervisors and Planning Commission Review. The applicant shall submit a complete copy of all application materials and a site plan to the Board of Supervisors and to the Planning Commission for review.
- k. The applicant shall also submit a copy to the Zoning Officer of all materials submitted to State agencies. The use shall comply with all applicable State regulations as a condition of all Township approvals, and such Township approval may be revoked for violation of a State regulation.
- l. Preemption. It is not the intent of this Section to unlawfully preempt any Federal or State law or regulation. Unless a preemption of this Ordinance would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.
- m. State and Federal Permits. No mineral extraction use may begin, expand or continue without having in effect all required State and Federal permits and being in compliance with all applicable regulations.
- n. Suitability of streets. Any truck traffic generated by a mineral extraction use shall be prohibited from Township/local roadways, and shall be directed to state roadways, except for local deliveries.

- o. Application Requirements. Each application for a Special Exception for Mineral Extraction covering an area greater than one acre shall contain the following information:
 - (1) Present uses of the land to be included in the requested permit.
 - (2) A location map (prepared by a registered professional engineer) showing:
 - a) the extent and proposed depth of the area to be excavated;
 - b) boundaries of land to be affected by the mineral extraction operation, including the locations of (i) storage sites for overburden, (ii) access and haulage streets, (iii) storage sites for equipment, and (iv) offices and other structures to be used in conjunction with the mining operation;
 - c) boundaries of adjoining lands owned by persons other than the applicant and the existing uses of those adjoining lands;
 - d) the location of all watercourses, bodies of water, street rights-of-way, public buildings, public recreation areas or other public property on or within 300 feet of the boundaries of land to be affected by the mineral extraction operation.
 - e) the location of any forested areas to be removed as part of the use.
 - (3) A detailed land reclamation plan of the area to be excavated, showing:
 - a) proposed use or uses of the land following the Surface Mining operations;
 - b) proposed topography of land following the mineral extraction operations;
 - c) actions to be taken during mining to conserve and replace topsoil removed during mining operations;
 - d) reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Surface Mining operations to be covered by the requested permit.

p. Regulation of the Maximum Acreage Actively Used for Mineral Extraction.

(1) To ensure that large areas of land will be reclaimed in compliance with State and Township regulations, the Board may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.

(2) Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and/or that contains waste or spoil piles from existing or prior mining activities.

SECTION 4.

Article VIII, ENVIRONMENTAL PROTECTION, is hereby amended to add the following:

810. Preemption

The Township does not intend for this Article VIII to unlawfully preempt any Federal or State law or regulation pertaining to Mineral Extraction.

SECTION 5.

Article IV, ZONING OVERLAY REGULATIONS, Section 402, Rural Resource Overlay, is hereby amended to add the following subsection:

7. Analysis Procedures and Implementation

C. Table A and the associated requirements that Section 402 specifies shall not be applicable to the following Principal Uses when situated within the Rural Resource Overlay: Agricultural Operations, Farmstead, Concentrated Animal Feeding Operation, Concentrated Animal Operation, Mineral Extraction and Limited Winery, and any customarily accessory or ancillary uses thereto.

SECTION 6.

Article XII, DEFINITIONS, EARTHMOVING AND/OR GRADING, is hereby amended to remove “Mineral Extraction” from defined activities.

SECTION 7.

ATTACHMENTS, QuickViews (QV 1-11) as attached to the Zoning Ordinance is hereby revised to include “Mineral Extraction - S” depicting mineral extraction as a Special Exception Use, as depicted on Exhibit “B” attached hereto and incorporated herein by reference.

SECTION 8. SEVERABILITY

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, and parts, sections, zones, or overlays of the Maps, are severable. If any part, section, paragraph, sentence, clause, phrase, zone, or overlay of this Ordinance or the Maps 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, phrases, zones, or overlays of the Ordinance or Maps.

SECTION 9. REPEALER

All ordinances and maps and parts of ordinances or maps inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE

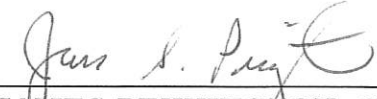
This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Nazareth Township.

ENACTED AND ORDAINED this 24 day of April, 2024, at
a regular public meeting.

LOWER NAZARETH TOWNSHIP

ATTEST:


TAMMI DRAVECZ, Secretary

BY: 
JAMES PENNINGTON, Chairman













Legend

Township Boundary Railroad

Parcel

Stream/Lake/Pond

Proposed Transect Zone

- | | | | | | |
|---|-----|---|---|------|--|
|  | TD1 | Agriculture (min. lot size: 2 acre) |  | TD8 | Regional Mixed Use |
|  | TD2 | Estate Residential (min. lot size: 1 acre) |  | TD9 | Contracting, Craftsman and Artisan |
|  | TD3 | Suburban Residential (min lot size: .8 acre) |  | TD10 | Assembly and Distribution |
|  | TD4 | Village Residential (min lot size: .3 acre) |  | TD11 | Manufacturing, Extraction and Processing |
|  | TD5 | Town Residential: Detached (min lot size: .18 acre) | | | |
|  | TD6 | Town Residential: Attached (min lot size: .06 acre) | | | |
|  | TD7 | Village Mixed Use | | | |
|  | | Suburban Mixed Use | | | |

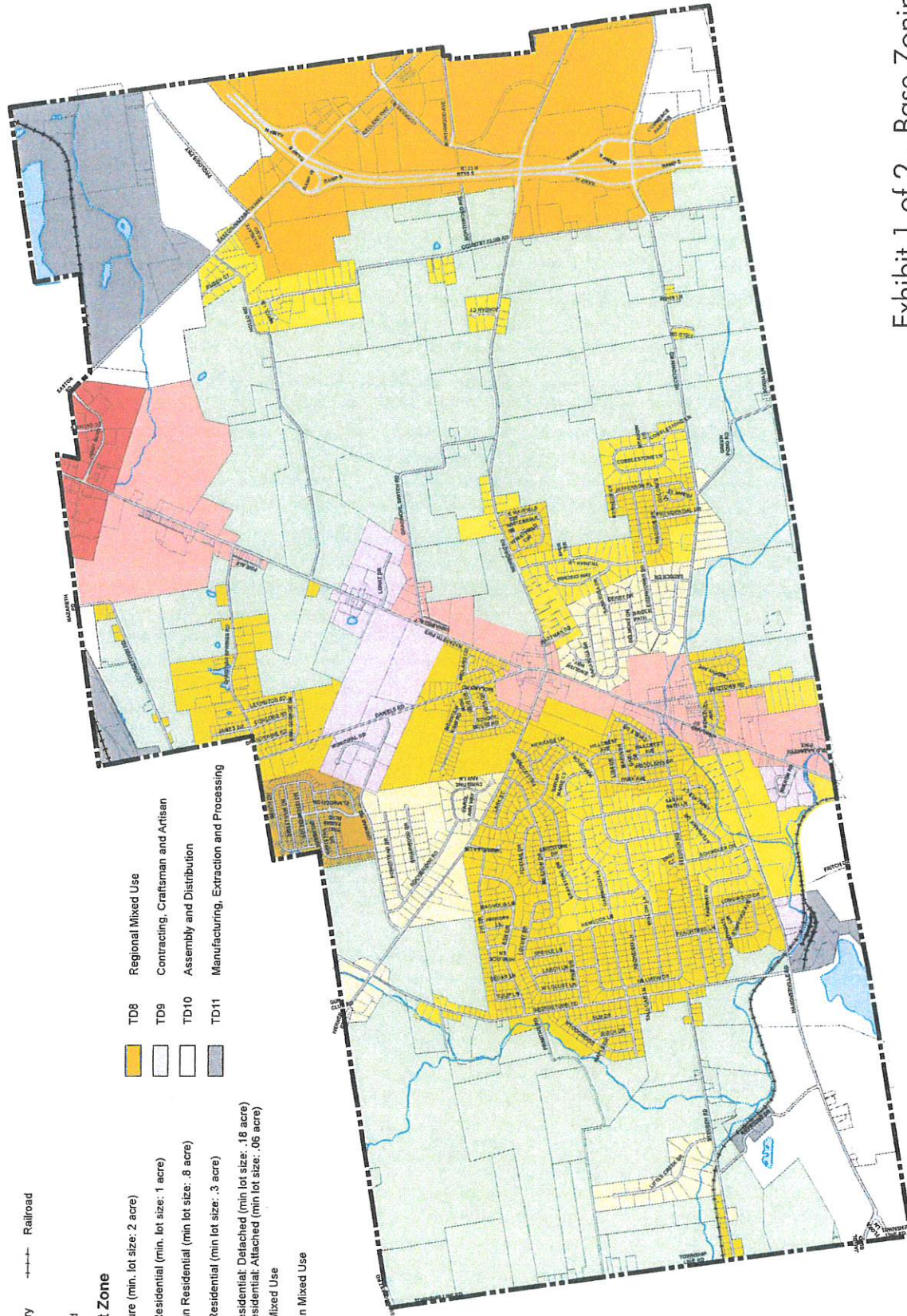


Exhibit "A"

**Exhibit 1 of 2 - Base Zoning Districts
OFFICIAL ZONING MAP**

LOWER NAZARETH TOWNSHIP
February 2024



0 0.25 0.5 Miles

TD-11 MANUFACTURING, EXTRACTION, AND PROCESSING

Purpose: To provide locations for high intensity production, fabrication, and similar industrial uses and activities and to make appropriate provisions for the extraction and processing of mineral deposits from the earth that support the protection of health, safety, and welfare for the region's citizens.

LOT DIMENSIONAL STANDARDS

MIN. LOT AREA	2 Ac.
MIN. LOT WIDTH	350 ft
MAX. BUILDING HEIGHT	45 ft
COVERAGE	
Max. Building Coverage	40%
Max. Impervious Coverage	70%
MIN. YARD SETBACK - All Structures	
Front Yard	100 ft
Side Yard	75 ft
Rear Yard	75 ft

PERMITTED USES

PRINCIPAL USES

Non-Residential	
Auto/Truck/Body Collision Center	P
Auto Towing/Yard	P
Bulk Storage of Fuel	P
Commercial Communications Antenna	P
Commercial Communications Tower	P
Convenience Store With Fuel/Energy Recharge	P
Distillery	C
Dry Cleaning Plant	P
Essential Services	P
Forestry	P
Lumber Mill	C
Manufacturing, Heavy	C
Manufacturing, Light	P
Mineral Extraction	S
Petroleum or Kerosene Refining and Distillation	P
Plant Nursery	P
Public Recreation	P
Public Utility Facility	P
Recycling Collection Center	P
School, Secondary Trade	P
Stock Yard, Slaughterhouse, or Meat Packing Plant	P

ACCESSORY USES

Accessory Use Customarily Incidental to a Principal Use	A
Aptari, Honey Bee	A
Outdoor Display of Merchandise	A
Outdoor Storage	A
Package Delivery Services	A
Raising of Livestock	A

Legend
 P = Permitted by Right
 C = Conditional Use
 S = Use by Special Exception
 A = Accessory