

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

ORDINANCE NO. 250-04-24

AN ORDINANCE

AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO ADDRESS LAND USES AND TO DEVELOP TECHNICAL ORDINANCE CRITERIA AND ASSOCIATED CONSISTENCIES BETWEEN ARTICLE I, GENERAL PROVISIONS AND ADMINISTRATION, ARTICLE IV, ZONING OVERLAY REGULATIONS, ARTICLE V, ADDITIONAL REQUIREMENTS FOR USES PERMITTED BY RIGHT, ARTICLE VI, SUPPLEMENTAL REGULATIONS, ARTICLE VII, CONDITIONAL USES AND SPECIAL EXCEPTIONS, ARTICLE XII, DEFINITIONS, AND QUICKVIEWS 1 THROUGH 11.

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 subsequent amendments; 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 based upon analyses of land uses, natural resources, and subsequent associated technical Ordinance provisions and references.

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 24 of 1968 (P.O. 805), Article VI, Section 601, et seq., as amended (53 P.S. 10601, et seq.), as follows:

SECTION 1.

ARTICLE I, GENERAL PROVISIONS AND ADMINISTRATION, SECTION 118.H is hereby amended to the reference "Article "XVI" to Article "IX".

SECTION 2.

Article V, ADDITIONAL REQUIREMENTS FOR USES PERMITTED BY RIGHT, is hereby amended as follows to:

1. REMOVE and RELOCATE the specific requirements itemized in Section 504.11, Home Occupation to Article VII, Section 702.
2. ADD Specific Requirements for Child Care Center, Child Care Home, Family and Child Care, Group in Article V, Section 502, Specific Principal Uses.

Child Care Center, Child Care Home, Family and Child Care, Group are subject to the following criteria:

- A. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period.
- B. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the Zoning District and/or neighborhood.
- C. Outdoor play areas shall be enclosed and shaded as required by the Commonwealth of Pennsylvania.
- D. Off-street parking areas shall not be used as outdoor play areas.
- E. In addition to the required parking areas for said use, a designated passenger "drop-off" and "pickup" area(s) associated with a Group Child Care or Child care Center shall accommodate a minimum of three (3) vehicles at any given time, have direct access to the use's front door and shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- F. One (1) off-street parking space shall be provided for each six (6) persons enrolled.
- G. All commercial day-care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

H. The applicant shall demonstrate that adequate safeguards are provided to protect students from nearby industrial activities and uses.

3. ADD the following Subsections in Article V, Section 502, Specific Principal Uses.

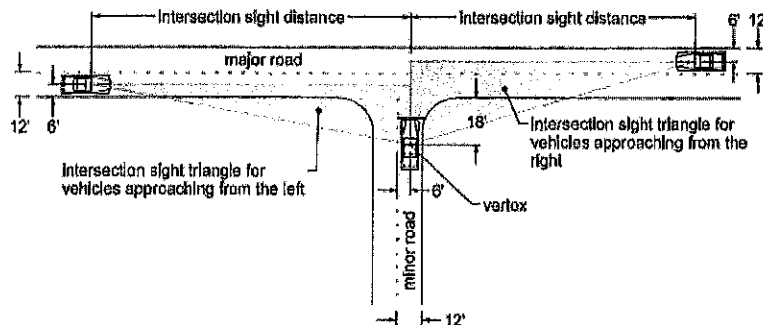
1. Auto, Boat or Mobile Home Sales: See Article 7 for specific requirements.
2. Contractor Office/Yard: See Article 7 for specific requirements.
3. Convenience Store with Fuel/Energy Recharge: See Article 7 for specific requirements.
4. Craftsman/Artisan Studio: See Article 7 for specific requirements.
5. Funeral Home: See Article 7 for specific requirements.
6. Manufacturing, Light: See Article 7 for specific requirements.
7. Medical Marijuana Dispensary Facility: See Article 7 for specific requirements.
8. Personal Care Boarding Home: See Article 7 for specific requirements.
9. Place of Assembly: See Article 7 for specific requirements.
10. Place of Worship: See Article 7 for specific requirements.
11. Restaurant, Quick-Serve and Sit-Down: See Article 7 for specific requirements.
12. School, Primary and Secondary: See Article 7 for specific requirements.
13. School, Secondary Trade: See Article 7 for specific requirements.

4. RELOCATE specific requirements for Auto Service/Repair Station from Article VII, Section 702 Specific Criteria for Conditional Uses and Special Exceptions to Article V, Section 502, Specific Principal Uses.

5. RENUMBER all sections alphabetically based upon Items 1 through 4 above.

SECTION 3.

Article VI, SUPPLEMENTAL REGULATIONS, Section 604.2.B. is hereby amended to REPLACE Required Sight Distance Triangle Graphic with the following:



SECTION 4.

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

1. ADD the following:

Heavy Manufacturing:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - B. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances of the Township.
 - C. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
 - D. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot. A traffic study prepared by a professional traffic engineer, according to the Township Subdivision and Land Development.
 - E. Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - F. All materials and equipment shall be stored within a completely enclosed building.
 - G. An inventory and Material Safety Sheets of toxic, corrosive, flammable, carcinogenic, or explosive materials, liquids, gases or solids stored and/or used shall be available upon request.
 - H. There shall be no light spillover, glare, or vehicular idling permitted.
2. RELOCATE Home Occupation from Article V, Section 504.11 to Article VII, Section 702 and UPDATE Subsection D reference from Article "XVIII" to Article "XI".

3. REMOVE specific requirements for Auto Service/Repair Station as they are relocated to Article V.
4. AMEND the reference of Article 702.3.C from Article “XVII” to Article “X”.
5. RENUMBER all sections alphabetically based upon Items 1 through 4 above.

SECTION 5.

Article XII, DEFINITIONS, is hereby amended to:

1. ADD the following:

FAIRGROUNDS – An area of land use including but not limited to agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

PETROLEUM OR KEROSENE REFINING AND DISTILLATION – Mechanical processes and associated operations for related refining and distillation industry practices and techniques as categorized and regulated by the U.S. Environmental Protection Agency and/or its successor.

RESEARCH AND DEVELOPMENT, ENGINEERING/TESTING FACILITY OR LABORATORY – A facility used for the research and experimental development or analytical testing services in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, biotechnology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other related subjects. Testing services may occur in a laboratory or on-site. Animal testing services are prohibited.

2. AMEND the Section reference in the HOME OCCUPATION definition from “504” to “702”.
3. REPLACE the MANUFACTURING, LIGHT definition with the following:

MANUFACTURING, LIGHT – Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, furniture or other wood products production and the like, but excluding basic industrial processing. Warehousing and distribution centers are permitted as accessory uses to this primary use.

- REORDER all definitions alphabetically based upon the added definitions.

SECTION 6.

ATTACHMENTS, Quickviews (Q V 1-11), are hereby amended as follows:

- TD-2, TD-3, TD-4, TD-5, TD-6, and TD-8 – REVISE Home Occupation to “S”
- TD-2 – REVISE Child Care Home, Group to “P”
- TD-2 – REVISE Day Care Center, Adult to “P”
- TD-4 – REVISE Group Care Facility to “C”
- TD-6 – REMOVE Tavern
- TD-9 – REMOVE Auto, Boat or Mobile Home Sales
- TD-9 – REVISE “Public Utility” to “Public Utility Facility”
- TD-9 – ADD “Manufacturing, Light” as a Conditional Use.
- TD-9 – ADD “Research and Development, Engineering/Testing Facility or Laboratory” as a Conditional Use.
- TD-10 – REVISE Truck Terminal to “C”
- TD-10 – REVISE Warehouse to “C”
- TD-1 thru TD-11: ADD Commercial Communications Antenna as an Accessory Use.

SECTION 7.

Article IV, ZONING OVERLAY REGULATIONS, Section 402, Rural Resource Overlay is hereby amended as follows:

- REMOVE the definition of CARBONATE SOILS (KARST) from 402.2.D.
- REMOVE the Carbonate Soils referenced in Section 402.6.A(3) and RENUMBER all subsequent subsections.
- REPLACE Section 402.7.A, Table A with the following:

Line #	Existing Land Conditions	Gross Area (acres)	Permitted Disturbance Ratio	Net Buildable Area (acres)
Line 1	Class 1 Agricultural Soils		x 0.1	=
Line 2	Class 2 Agricultural Soils		x 0.15	=
Line 3	All Floodplains, Wetlands, and Hydric Soils		x 0.05	=
Line 4	All Springs and Vernal Pools		x 0	=
Line 5	Other Areas on Slopes 0-15% not calculated as part of Lines 1 through 5 above		x 1	=
Line 6	Other Areas on Slopes 16-25% not calculated as part of Lines 1 through 5 above		x 0.85	=
Line 7	Other Areas on Slopes >25% not calculated as part of Lines 1 through 5 above		x 0.25	=
Line 8	Other Areas on Slopes >40% not calculated as part of Lines 1 through 5 above		x 0	=
Line 9	Sum of Lines 1-8	0.00		0.00
		(Total Gross Lot/Tract Area)		(Total Net Buildable Area)

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